THE

Equality of all Men before the Law

CLAIMED AND DEFENDED;

IN SPEECHES BY

HON. WILLIAM D. KELLEY,

WENDELL PHILLIPS, AND

FREDERICK DOUGLASS,

AND LETTERS FROM

ELIZUR WRIGHT AND WM. HEIGHTON.

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SPEECH

OF

HON. WILLIAM D. KELLEY,

OF PENNSYLVANIA,

IN SUPPORT OF HIS PROPOSED AMENDMENT TO THE BILL "TO GUARANTEE TO CERTAIN STATES, WHOSE GOVERNMENTS HAVE BEEN USURPED OR OVERTHROWN, A REPUBLICAN FORM OF GOVERNMENT;" DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1865.

[The House having under consideration the bill "to guarantee to certain States, whose governments have been usurped or overthrown, a republican form of government," Mr. Kelley moved to amend the bill by inserting after the words "to enroll all the white male citizens of the United States," the words, "and all other male citizens of the United States who may be able to read the Constitution thereof," and said: —]

MR. SPEAKER, — These are indeed terrible times for timid people. Use and wont no longer serve us. The guns traitorously fired upon Fort Sumter threw us all out of the well-beaten ruts of habit; and, as the war progresses, men find themselves less and less able to express their political views by naming a party, or uttering its shibboleth. It is no longer safe for any of us to wait till the election comes, and accept the platform and tickets presented by a party. We may have served in its ranks for a lifetime, and find at last — costly and painful experience being our guide — that, to obtain the ends we had in view, we should have acted independently of, and in opposition to, it and its leaders. In seasons like this, an age on ages telling, the feeblest man in whom there is faith or honesty is made to feel that he is not quite powerless; that duty is laid on him too; and that the force that is in him ought to be expressed in accordance with his own convictions, and in a way to promote some end seen or hoped for.

The questions with which we have to deal; the grave doubts that confound us; the difficulties that environ us; the results our action will produce, fraught with weal or woe to centuries and constantly increasing millions,—are such as have rarely been confided to a generation. But happily we are not without guidance. Our situation, though novel, does not necessarily cast us upon the field of mere experiment. True, we have not specific precedents which we may safely follow; but the founders of our Government gave us, in a few brief sentences, laws by which we may extricate our generation and country from the horrors that involve them, and secure peace broad as our country, enduring as its history, and beneficent as right and justice and love.

The organized war-power of the Rebellion is on the eve of overthrow. It belongs to us to govern the territory we have conquered; and the question of reconstruction presses itself upon our attention: and our legislation in this behalf will, though it comprise no specific provisions on the subject, determine whether guerilla war shall harass communities for long years, or be suppressed in a brief time by punishments administered through courts and law to marauders for the crimes they may commit under the name of partisan warfare. At the close of an international war, the wronged but victorious party may justly make two claims, indemnity for the past, and security for the future: indemnity for the past in money or in territory; security for the future by new treaties, the establishment of new boundaries, or the cession of military power and the territory upon which it dwells. Indemnity for the past we cannot hope to obtain. When we shall have punished the conspirators who involved the country in this sanguinary war, and pardoned the dupes and victims who have arrayed themselves or been forced to do battle under their flag, we shall but have repossessed our ancient territory; re-established the boundaries of our country; restored to our flag and Constitution their supremacy over territory which was ours, but which the insurgents meant to dismember and possess. The other demand we

may and must successfully make. Security for the future is accessible to us, and we must demand it; and to obtain it with amplest guaranties requires the adoption of no new idea, the making of no experiment, the entering upon no sea of political speculation. Ours would have been an era of peace and prosperity, had we and our fathers accepted in full faith the great principles that impelled their fathers to demand the independence of the United Colonies; gave them strength in counsel; patience, courage, and long endurance in the field; and guided them in establishing a Constitution which all ages will recognize as the miracle of the era in which it was framed and adopted, and the influence of which shall modify and change, and bring into its own similitude, the governments of the world. Had we, and the generation that preceded us, accepted and been guided by the self-evident truths to which I allude, the world would never have known the martial power of the American people, or realized the fact that a government that sits so highly as ours upon the people in peace is so infinitely strong in the terrible season of war.

The founders of our institutions labored consciously and reverently in the sight of God. They knew that they were the creatures of his power, and that their work could only be well done by being done in the recognition of his attributes, and in harmony with the enduring laws of his providence. They knew that his ways were ways of pleasantness, and his paths the paths of peace; and they endeavored to embody his righteousness and justice in the government they were fashioning for unknown ages and untold millions of men. Their children, in the enjoyment of the prosperity thus secured to them, lost their faith in these great truths, treated them with utter disregard, violated them, legislated in opposition to them, and finally strove to govern the country in active hostility to them; and, for a little while, they seemed to succeed. But at length we have been made to feel and know that God's justice does not sleep always; and, amid the ruins of the country and the desolation of our homes, let us resolve that we will return to the ancient ways, look to him for guidance, and follow humbly in the footsteps of our wise and pious forefathers; and that, as grateful children, we will erect to their memory, and to that of the brave men who have died in defence of their work in this the grandest of all wars, a monument broad as our country, pure as was their wisdom, and enduring as Christian civilization. So shall we, by our firmness and equity, exalt the humble, restrain the rapacious and arrogant, and bind the people to each other by the manifold cords of common sympathies and interest, and to the Government by the gratitude due to a just and generous guardian.

But, Mr. Speaker, I hear gentlemen inquire how this is to be done. The process is simple, easy, and inviting: it is by accepting in child-like faith, and executing with firm and steady purpose, three or four of the simple dogmas which the founders of our Government proclaimed to the world, and which, alas! too often with hypocritical lip-service are professed by all Americans, even those who are now striving, through blood and carnage and devastation, to found a broad empire, the corner-stone of which was to be human slavery.

In announcing the reasons which impelled the colonies to a separation from the mother country, the American people declared that "a decent respect to the opinions of mankind" required "a declaration of the causes which impelled them to the separation;" and, in assigning those causes, announced a few general propositions, embodying eternal and ever-operating principles, among which were, —

First, that "all men are created equal, are endowed with certain inalienable rights;" and that "among these are life, liberty, and the pursuit of happiness."

Second, that, "to insure these rights, governments are instituted among men."

Third, that "governments derive their just powers from the consent of the governed."

Fourth, that, "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." And in these four propositions we have an all-sufficient guide to enduring peace and prosperity. If, in the legislation we propose, we regard these self-evident truths, our posterity shall not only enjoy peace, but teach the world the way to universal freedom; but if we fail to regard them, God alone in his infinite wisdom knows what years of agitation, war, and misery we may entail on posterity; and whether the overthrow of our Government, the division of our country, and all the ills thus entailed on mankind, may not be justly chargeable to us.

The tables of the census of 1860 exhibiting the population of the eleven insurgent States show that it numbered and was divided as follows: —

States.	White Population.	Colored Population, Slave and Free, including Indians.
Alabama	526,271	436,930
Arkansas	324,143	111,307
Florida	77,747	62,677
Georgia	591,550	465,736
Louisiana	357,456	350,546
Mississippi	353,901	437,404
North Carolina	629,942	362,680
South Carolina	291,300	412,408
Tennessee	826,722	283,079
Texas	420,891	183,324
Virginia	1,047,299	549,019
	5,447,222	3,666,110

This table, as will be observed, embraces the whole of Virginia as she was in 1860; and, as I have not the means of distinguishing the proportion of her population that is embraced in the new State of West Virginia, I permit it to stand as it is. The new State is in the Union; her citizens never assented to the ordinance of secession; they have provided for the extinguishment of slavery within her limits; and my remarks, save in the general scope in which they may be applicable to any or all of the States of the Union, will not be understood as applying to her. It is of the territory for which it is the duty of Congress to provide governments that I speak. I should also call attention to the fact that the Superintendent of the Census includes the few Indians that remained in some of these States in the column of white inhabitants. Their number is not important; but it certainly should not be so stated as to create the impression that they enjoyed the rights or performed the duties of citizens. How unfair this classification is will appear from the fact that the following section from the Code of Tennessee of 1858, section 3,858, indicates very fairly the position they held under the legislation of each and all the above-named States:

"A negro, mulatto, *Indian*, or person of mixed blood, descended from negro or Indian ancestors to the third generation inclusive, though one ancestor of each generation may have been a white person, whether bond or free, is incapable of being a witness in any case, civil or criminal, except for or against each other."

Correcting the error of the Superintendent of the Census, I have enumerated the Indians with the people to whose fate the legislation of those States assigned them. It will be perceived that when that census was taken the white population numbered 5,447,222, and the colored population 3,666,110.

It thus appears that the colored people were considerably more than two-fifths of the whole population of the insurgent States; and that while we have professed to believe that their right to life, liberty, and the pursuit of happiness was inalienable, — could not be alienated or relinquished by them, nor taken away by others, — we have ignored their humanity, and denied them the enjoyment of any single political right.

That, while we have professed to believe that governments are instituted among men to secure their rights, the history of our country for the last fifty years proves that the whole power and constant labor of our Government have been exerted to prevent the possibility of two-fifths of the people of more than half our country ever attaining the enjoyment of political, civil, or social rights.

That, while we have professed to believe that all governments derive their just powers from the consent of the governed, we have punished with ignominy and stripes and imprisonment and death the men who had the temerity to assert that it was wrong to deny to two-fifths of the people of a country, and, as in the case of South Carolina and Mississippi, a large majority of the people of the State, the right even to petition for redress of grievance.

And while we have been swift to assure, in terms of warmest sympathy, and sometimes with active aid, any oppressed and revolting people beyond the seas, that we believed it to be the right and duty of such people, "whenever any form of government becomes destructive of the ends" above indicated, "to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness," we have, even to the boundaries of the lakes and to the far Pacific shores, stood pledged and ready to lay down our lives in the suppression of any attempt these Americans might make to carry into effect this cardinal doctrine of our professed political faith. Is it any wonder that God, seeing millions of his people thus trampled on, oppressed, outraged, and made voiceless by those whose fathers had placed their feet in his ways, and whose lips never wearied in beseeching his guidance and care, should fill the oppressors with madness, and open through their blood and agony a way for the deliverance of their long-suffering victims?

But, Mr. Speaker, it is asked, who are these people? They are the laboring masses of the South, — the field-hand, the house-servant, the mechanic, the artisan, the engineer of that region. Their sinewy arms have felled the forest; opened the farm and the plantation; made the road, the canal, the railroad. It was by the sweat of their brow that the sunny South was made to bloom; it is they whose labor has quickened the wheels of commerce and swelled the accumulating wealth of the world. Upon their brawny shoulders rested the social fabric of the South; and an arrogant aristocracy, that strove to dictate morals to the world, boasted that one product of their toil was a king to whom peoples and governments must bow. Most of them are ignorant and degraded; but that cannot be mentioned to their disgrace or disparagement. Not they nor their ancestors enacted the laws which made it a felony to enable them to read the Constitution and the laws of their country, or the Book of Life through which their fairer brethren hope for salvation. Dumb and voiceless most of them are; but let not want of intellectual power be ascribed to them as a race, in view of the wit, humor, sarcasm, and pathos, of the learning, logical power, and scientific attainments, of a Douglass, a Garnet, a Remond, a Brown, a Sella Martin, a William Craft, and scores of others, who, evading the bloodhound and his master in the slave-hunt, have made their way to lands where the teachings of Christ are regarded, and the brotherhood of

man is not wholly denied. Others of them are and have been free; at least so far as to be able to acquire property, and send their children to foreign lands for culture. Let some such speak for themselves. In the petition of the colored citizens of Louisiana to the President and Congress of the United States, they respectfully submit, —

"That they are natives of Louisiana and citizens of the United States; that they are loyal citizens, sincerely attached to the country and the Constitution, and ardently desire the maintenance of the national unity, for which they are ready to sacrifice their fortunes and their lives.

"That a large portion of them are owners of real estate, and all of them are owners of personal property; that many of them are engaged in the pursuits of commerce and industry, while others are employed as artisans in various trades; that they are all fitted to enjoy the privileges and immunities belonging to the condition of citizens of the United States; and among them may be found many of the descendants of those men whom the illustrious Jackson styled his 'fellow-citizens,' when he called upon them to take up arms to repel the enemies of the country.

"Your petitioners further respectfully represent, that over and above the right which, in the language of the Declaration of Independence, they possess to liberty and the pursuit of happiness, they are supported by the opinion of just and loyal men, especially by that of Hon. Edward Bates, Attorney-General, in the claim to the right of enjoying the privileges and immunities pertaining to the condition of citizens of the United States; and, to support the legitimacy of this claim, they believe it simply necessary to submit to your Excellency, and to the honorable Congress, the following considerations, which they beg of you to weigh in the balance of law and justice. Notwithstanding their forefathers served in the army of the United States in 1814-15, and aided in repelling from the soil of Louisiana a haughty enemy, over-confident of success, yet they and their descendants have, ever since, and until the era of the present Rebellion, been estranged and even repulsed, excluded from all franchises, even the smallest, when their brave forefathers offered their bosoms to the enemy to preserve the territorial integrity of the Republic! During this period of forty-nine years they have never ceased to be peaceable citizens, paying their taxes on an assessment of more than fifteen million dollars!

"At the call of General Butler, they hastened to rally under the banner of the Union and liberty; they have spilled their blood, and are still pouring it out for the maintenance of the Constitution of the United States; in a word, they are soldiers of the Union; and they will defend it so long as their hands have strength to hold a musket.

"While General Banks was at the siege of Port Hudson and the city threatened by the enemy, his Excellency, Governor Shepley, called for troops for the defence of the city; and they were foremost in responding to the call, having raised the first regiment in the short space of forty-eight hours.

"In consideration of this fact, as true and as clear as the sun which lights this great continent, in consideration of the services already performed and still to be rendered by them to their common country, they humbly beseech your Excellency and Congress to cast your eyes upon a loyal population awaiting with confidence and dignity the proclamation of those inalienable rights which belong to the condition of citizens of the great American Republic.

"Theirs is but a feeble voice claiming attention in the midst of the grave questions raised by this terrible conflict; yet, confident of the justice which guides the action of the Government, they have no hesitation in speaking what is prompted by their hearts: 'We are men; treat us as such.'"

This petition, which it is within my knowledge was prepared by one of the proscribed race, asks only for what the fathers of our country intended they should enjoy. They discovered in the Afrîco-American the attributes and infirmities of their own nature, and in organizing governments, local or general, made no invidious distinction between him and his fellow-men. Under the Articles of Confederation, and at the time of the adoption of the Constitution of the United States, and long subsequent thereto, the free colored man was, with their consent, a citizen and a voter. Our fathers meant that he should be so. Their faith in the great cardinal maxims they enunciated was undoubting; and they embodied it without mental reservation when they gave form and action to our Government. No one who has studied the history of that period doubts that they regarded slavery as transitory and evanescent. Neither the word "slave," nor any synonyme for it, was given place in the Constitution. We know by the oft-quoted remark of Mr. Madison that it was purposely excluded, that the future people of the country might never be reminded by that instrument that so odious a condition had ever existed among the people of the United States. That instrument nowhere contemplates any discrimination in reference to political or personal rights on the ground of color. In defining the rights guarantied by the Constitution, they are never limited to the white population; but the word "people" is used without qualification. When in that instrument its framers alluded to those who filled the anomalous, and, as they believed, temporary position of slaves, they spoke of "persons held to service," and in the three-fifths clause of "all other persons." They confided all power to "the people," and provided amply, as they believed, for the protection of the whole people. Thus in the second section of article one, they provided as follows for the organization of the House of Representatives: —

"The House of Representatives shall be composed of members chosen every second year by *the people* of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

And in the amendments of the Constitution we see how careful they were at a later day to guard the rights of the people: —

"ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of *the people* peaceably to assemble and to petition the Government for a redress of grievances.

"ART. 2. A well-regulated militia being necessary to the security of a free State, the right of *the people* to keep and bear arms shall not be infringed."

"ART. 4. The right of *the people* to be secure in their persons, houses, papers, and effects, against

unreasonable searches and seizures, shall not be violated."

"ART. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by *the people*.

"ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to *the people*."

It has, I know, been fashionable to deny that the framers of the Constitution intended to embrace colored persons when they used the word "people;" and it is still asserted by some that it was used with a mental reservation broad and effective enough to exclude them; but the Journals of the Convention, and the general history of the times, abound in contradictions of this false and mischievous theory, the source of all our present woes. A brief review of contemporaneous events ought to put this question at rest forever.

The Congress of the Confederation was in session on the 25th of June, 1778, the fourth of the Articles of Confederation being under consideration. The terms of the article, as proposed, were, that "the free inhabitants of each of these States (paupers, vagabonds, and fugitives from justice excepted) shall be entitled to all privileges and immunities of free citizens in the several States." We learn by the Journal, that "the delegates from South Carolina, being called on, moved the following amendment in behalf of their State: In article four, between the words 'free inhabitants,' insert 'white.'" How was this proposition, identical with that now made to us, received by the sages there and then assembled? Eleven States voted on the question. Two, South Carolina being one of them, sustained the proposition; the vote of one State was divided; and eight, affirming the colored man's right to the privileges of citizenship, voted "no;" and the proposition was thus negatived. South Carolina — then, as she has ever been, persistent in mischief — further moved, through her delegates, to amend by inserting after the words "the several States" the words "according to the law of such States respectively for the government of their own *free white* inhabitants." This proposition was also negatived by the same decisive vote, as appears by the Journal of the Congress of the Confederation, volume four, pages 379, 380. What two States did not vote upon the question, the Journal does not indicate; but when it is remembered that Pennsylvania led her sisters in the great work of emancipation, and that it was not till nearly two years after that date that she abolished slavery, it will be seen that it was by a vote of slaveholders representing slave States, that the proposition to deny citizenship, its rights, privileges, and immunities, to the colored people was so emphatically rejected. The delegates could not, with propriety, have voted otherwise. To have done so, they would have agreed that, in violation of all comity, while they secured the rights of citizenship within the limits of their State to citizens of others, those other States might deny them to citizens of their own. They did not probably foresee that South Carolina might cast the shipwrecked citizen of another State, who had been thrown upon her shores, into a jail, because of the decree of the Almighty, who had given him a complexion not agreeable to the eyes of her people, and in default of the ability to pay jail fees thus unwillingly incurred, doom him and his posterity to the woes of perpetual slavery; but they did see that such a proposition opened the door to inequality, and possibly to oppression; and they resisted it with a firmness and forecast which their posterity have failed to honor or emulate.

Again, they could not have consistently voted for such a proposition; for, by the constitutions of their own States, free colored men were voters, and in the enjoyment of the rights of citizenship. Not only then, but in 1789, at the time of the adoption of the Constitution of the United States, there was but one State whose constitution distinguished in this respect against the colored man. This odious distinction, so fraught with unforeseen but terrible consequences, marred the constitution of South Carolina alone at the latter date.

The constitution of Massachusetts provided that —

"Every male person (being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceding) having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town."

Rhode Island had adopted no constitution, but continued under colonial charter, which provided for the election of members of the General Assembly by "the major part of the freemen of the respective towns or places."

Connecticut also continued under colonial charter, according to which the qualifications of an elector were "maturity in years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold, or forty pounds personal estate."

The constitution of New York provided that —

"Every male inhabitant of full age, who shall have personally resided within one of the counties of this State for six months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in the Assembly, if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds within the said county, or have rented a tenement therein of the yearly value of forty shillings, and have rated and actually paid taxes to this State."

The constitution of New Jersey contained this provision: —

"All inhabitants of this colony, of full age, who are worth fifty pounds proclamation money clear estate in the same, and have resided within the county in

which they claim to vote for twelve months immediately preceding the election, shall be entitled to vote for representatives in Council and Assembly, and also for all other public officers that shall be elected by the people of the county at large."

The constitution of Pennsylvania provided that —

"Every freeman of the full age of twenty-one years, having resided in this State for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector; provided always that sons of freeholders of the age of twenty-one years shall be entitled to vote, although they have not paid taxes."

The constitution of Delaware declared that —

"The right of suffrage in the election for members of both houses shall remain as exercised by law at present."

The declaration of rights, prefixed to the constitution, contained the following:—

"Every freeman having sufficient evidence of permanent common interest, with an attachment to the community, hath a right of suffrage."

The constitution of Maryland provides that —

"All freemen, above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this State above the value of thirty pounds current money, and having resided in the county in which they offer to vote one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county."

The constitution of Virginia contained a provision that —

"The right of suffrage in the election of members for both houses shall remain as exercised at present."

The declaration of rights, prefixed to the constitution, contained the following: —

"All men having sufficient evidence of permanent common interest, with an attachment to the community, have the right of suffrage."

The constitution of North Carolina provided that —

"All freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which they reside."

The constitution of Georgia declared that —

"The electors of the members of both branches of the General Assembly shall be citizens and inhabitants of this State, and shall have attained to the age of twenty-one years, and have paid tax for the year preceding the election, and shall have resided six months within the county."

The constitution of South Carolina provided that —

"The qualifications of an elector shall be, every free *white* man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained the age of one and twenty years, and hath been an inhabitant and resident in this State for the space of one whole year before the day appointed for the election he offers to give his vote at, and hath a freehold at least of fifty acres of land or a town-lot, and hath been legally seized and possessed of the same at least six months previous to such election, or hath paid a tax the preceding year, or was taxable the present year, at least six months previous to the said election, in a sum equal to the tax on fifty acres of land, to the support of this government, shall be a person qualified to vote for, and shall be capable of electing, a representative or representatives."

But, Mr. Speaker, to evade the force of this overwhelming array of facts, the pro-slavery democracy and purblind conservatism of the country have suggested that the thought of the black man was not present in the minds of those who fashioned these constitutions and bills of rights; that they could not have imagined that the freed slave or his posterity would have the audacity to ask that they should be recognized as freemen and citizens of our country; and with unblushing effrontery they have made the ignorant believe that the Government was organized, not for mankind, but for the white man alone. The falsity of these suggestions is fully exposed by the fact that South Carolina made the distinction, and in the Congress of the Confederation pressed it on the attention of the whole country, but will be still more amply demonstrated by the facts I shall hereafter cite. In every State but South Carolina, and possibly Virginia and Delaware, in which the right of suffrage was regulated by statute, and not by constitutional provision, the free colored man at that time was a voter. In no State constitution except that of South Carolina, which was replete with aristocratic provisions, was the right of suffrage limited by express terms to the white man; consequently but few, if any, of the members of the Convention that framed the Constitution of the United States could have failed to meet him as a voter at the polls. I remember well to have seen negroes at the polls exercising the right of suffrage in Pennsylvania, where they enjoyed it from the foundation of the Government to the year 1838, when the growing influence of the increasing slave power of the country, operating on the political condition of those whom the people had charged with no such duty, deprived colored men of this right by following the example of South Carolina, and inserting the word "white" in the constitution of the State. Similar action restricted their right in New York, making it dependent on a property qualification, and deprived them of it in New Jersey and other States now free. To her praise be it spoken, except in Connecticut, which State, in 1817, in complaisance to South Carolina, inserted the word "white" in her constitution, they still enjoy the right throughout New England, not as a concession from men of modern days, but hereditarily, from the times in which the foundations of the Govern-

ment were laid. Gentlemen around me from the State of Maryland doubtless well remember the days when the free colored man voted in their State. It was only in 1833 that he was deprived of that inestimable right by constitutional amendment within her limits. That the negro enjoyed this right in North Carolina, until he was deprived of it in the same way, is proven by the following extract from the opinion of Judge Gaston, of that State, in the State *vs.* Manual, which was decided in 1838, and may be found in 4 Devereux and Battle's North Carolina Reports, page 25: —

"It has been said, that, before our Revolution, free persons of color did not exercise the right of voting for members of the colonial Legislature. How this may have been it would be difficult at this time to ascertain. It is certain, however, that very few, if any, could have claimed the right of suffrage for a reason of a very different character from the one supposed. The principle of freehold suffrage seems to have been brought over from England with the first colonists, and to have been preserved almost invariably in the colony ever afterward." . . . "The very Congress which framed our constitution (the State constitution of 1776) was chosen by freeholders. That constitution extended the elective franchise to every freeman who had arrived at the age of twenty-one, and paid a public tax; and *it is a matter of universal notoriety that under it free persons, without regard to color, claimed and exercised the franchise until it was taken from free men of color, a few years since, by our amended constitution.*"

Tennessee was admitted to the Union in 1796. Her constitution provided as follows: —

"Every freeman of the age of twenty-one years and upward, possessing a freehold in the county wherein he may vote, and being an inhabitant of this State, and *every freeman* being an inhabitant of any one county in the State six months immediately preceding the day of election, shall be entitled to vote for members of the General Assembly for the county in which he may reside."

This constitution, as will be seen, endured for forty years; during which the free colored men of the State enjoyed their political rights, and exercised, as will appear, a powerful and salutary influence upon public opinion and the course of legislation.

In 1834, a convention to revise that constitution assembled at Nashville, and, accepting the suggestion of South Carolina, by a vote of 33 to 23 limited the suffrage to free white men. During those forty years, free negroes had enjoyed a right which made them a power; and no chapter in our history better illustrates the value of this power to both races, or how certainly great wrongs of this kind re-act and punish the wrong-doer. Cave Johnson is a name well known throughout the country, and honored in Tennessee; and it was his boast that the free men of color gave his services to the country by electing him to Congress. On page 1305 of the Congressional Globe for the session of 1853-54, will be found the following statement of Hon. John Pettit, of Indiana, made in the United States Senate, May 25, 1854, while discussing the suffrage clause of the Kansas-Nebraska bill: —

"Many of the States have conferred this right (of suffrage) upon Indians; and many, both North and South, have conferred it upon free negroes without property. Old Cave Johnson of Tennessee, an honored and respectable gentleman, formerly Postmaster-General, and for a long time a member of the other House, told me with his own lips that the first time he was elected to Congress from Tennessee (in 1828), it was by the votes of three negroes; and he told me how. Free negroes in Tennessee were then allowed by the constitution of the State to vote; and he was an iron manufacturer, and had a large number of free negroes as well as slaves in his employ. I well recollect the number he stated. One hundred and forty-four free negroes in his employ went to the ballot-box and elected him to Congress the first time he was elected."

Few will now deny that slavery is a curse, alike to the master and the servile race. None will deny that slavery has been a curse to that State in view of the vast mineral resources of Tennessee; her fine natural sites for great cities; her capacity to feed, house, clothe, educate, and profitably employ free laborers; her recent history, the abundant source of future song and story; the pious and patriotic endurance of the brave and God-fearing people of the eastern section of the State; and the perfect abandon with which their more aristocratic fellow-citizens of the western section of the State espoused the cause of the Rebellion; the cruelties inflicted on the loyal people by the traitors; the horrors and the heroism of the border warfare that has desolated her fair fields, and the rancorous feuds and intense hatreds, which the grave can only extinguish, that have been engendered among her people by the war. And who, if the apparently well-founded tradition be true, that a proposition to incorporate in her constitution of 1796 a clause prohibiting slavery was lost by a majority of one vote, will estimate the evil done by the man who thus decided that momentous question?

The history of slavery in Tennessee, and the determined resistance so long made against its struggles for supremacy, will, I am sure, justify a brief digression. There were in 1796, it is said, considerably less than five thousand slaves within her limits, who had been brought thither by the earlier settlers of what was then known as the territory south of the Ohio. The influence of the colored citizens is traceable throughout her earlier history. So early as 1801, before she had existed five years as a State, the Legislature conferred the power of emancipation upon the county courts of the State by an act, the preamble to which significantly says:

"Whereas the number of petitions presented to this Legislature praying the emancipation of slaves not only tends to involve the State in great evils, but is also productive of great expense."

In 1812, the introduction of slaves into the State for sale was prohibited by law. Yet in

the twenty years between 1790 and 1810, by the power of emigration from slave States and natural increase, the number swelled from less than four thousand to upwards of forty-four thousand. This rapid increase of slave population alarmed the people, and emancipation societies were organized in different parts of the State. Extracts from an address delivered on the 17th of August, 1816, by request of one of these societies, and repeated with its approval on the 1st of January, 1817, and which, having been printed, not anonymously, but by Heiskell & Brown, was largely distrubuted by the society, are before me. It proposes to show, —

First, the object or design of the society.

Second, that the principles of slavery are inconsistent with the laws of nature and revelation.

Third, some of its evils, both moral and political.

Fourth, that no solid objections lie against gradual emancipation.

To show the freedom with which the subject was then discussed, I offer a brief extract or two. In those days the people of America had not learned, nor did they yet pretend to believe, that the Constitution of the United States denied them the right to think of the condition of any class of suffering people, or made it a crime to utter their convictions and their philanthropic emotions. Thus this address to the people of Tennessee says:

"Slavery, as it exists among us, gives a master a property in the slaves and their descendants as much as law can give a property in land, cattle, goods, and chattels of any kind, to be used at the discretion of the master, or to be sold to whom, when, and where he pleases, with the descendants forever. It is true, if the master take away the life of the slave under certain circumstances, our laws pronounce it murder. But the laws leave it in the power of the master to destroy his life by a thousand acts of lingering cruelty. He may starve him to death by degrees, or he may whip him to death if he only take long enough time; or he may so unite the rigors of hard labor, stinted diet, and exposure, as to shorten life. The laws watch against sudden murder, as if to leave the forlorn wretches exposed to any slow death that the cruelty and malignant passions of a savage may dictate. Nor is there any restraint but a sense of pecuniary loss, feeble barrier against the effects of the malevolent passions that are known to reside in the human heart. The most inhuman wretch may own slaves, as well as the humane and gentle. Should laws leave one human being in the power of another to such an extent? In many countries where slavery exists the laws prescribe the manner in which they shall be used; and that, too, in lands which do not boast either of the light and science we enjoy, or of the liberty and equality which raise us above and distinguish us from all the nations of the globe."

Nor did the movement, as appears at least from this address, contemplate the abolition of slavery in Tennessee alone; for, after alluding to the great doctrines promulgated in the Declaration of Independence, it says:

"On the certainty of the unchangeableness of these truths, we justify our separation from the Government of Great Britain. For the defence and enjoyment of these principles our fathers willingly met death, and surrendered their lives martyrs. They bequeathed them to us as the greatest of human legacies. Yet slavery, as it exists in the United States, is in direct opposition to these self-evident maxims. Every line of our history, every battle in our struggle for independence, every anniversary of our national birth, condemns the principles of slavery, and fixes on us the charge of glaring inconsistency; and every law passed by Legislatures in favor of slavery is in direct opposition to the principles of our national existence. Let us willingly do that which we justly blame Great Britain for refusing to do until forced; *namely, acknowledge the riyhts of men, and give, in a suitable way, more than one million and a half of people to enjoy these sacred rights.*"

In 1834, when the convention to revise the Constitution assembled, the slaves in the State numbered more than one hundred and fifty thousand. The power of the slave oligarchy had increased, and opposition to the institution had, perhaps, become less powerful. But in the first week of the convention, petitions on the subject of emancipation were presented from the citizens of Maury county, and were soon followed by others from Robertson, Lincoln, Bedford, Overton, Roane, Rhea, Knox, Monroe, McMinn, Blount, Sevier, Cocke, Jefferson, Greene, and Washington, many of the signers being slaveholders, and all praying that all the slaves should be made free by the year 1866. By an unforeseen process the prayer of those petitioners will be granted, though the convention to which they addressed their prayer gave an unfavorable response, and, as if in derision of the petitioners, attempted to fasten his shackles more firmly on the slave. God, whose

> "Ways seem dark, but, soon or late,
> They touch the shining hills of day,"

in His infinite mercy and wisdom, has in this respect reversed the decrees of man. Well for Tennessee and her bleeding people would it have been had the members of that convention bowed reverently to His will, as did the framers of the Constitution of the United States, and so worded the instrument they fashioned that it would not have informed posterity that so odious an institution as slavery had ever been tolerated by the State.

During the second week of the session, Matthew Stephenson, a farmer of Washington county, a native of Rockingham county, Virginia, moved "that a committee of thirteen, one from each congressional district, be appointed to take into consideration the propriety of designating some period from which slavery shall not be tolerated in this State, and that all memorials on that subject that have or may be presented to the convention be referred to said committee to consider and report thereon;" which resolution, by a vote of 38 to 20, was laid on the table on 1st of January, 1835.

This action of the convention was not readily acquiesced in by the people; and to avert popular indignation, it was "resolved that a

committee of three, one from each division of the State, be appointed to draft the reasons that governed this convention in declining to act upon the memorials on the subject of slavery." The address prepared by the committee appointed under this resolution does not attempt to defend or apologize for slavery; does not deny that it is a great wrong; speaks of "the unenviable condition of the slave;" of slavery as "unlovely in all its aspects," and deplores "the bitter draught the slave is doomed to drink." It rests the defence of the convention on other grounds than divine sanction of this monstrous wrong, this hideous outrage upon every precept of Christianity, this violation of every clause of the decalogue. It puts its defence on the ground of policy, and asserts that a constitutional provision looking to gradual emancipation would deplete the State of its laborers; that men would hurry their slaves into Alabama, Mississippi, Louisiana, Missouri, or Arkansas, where they would be less kindly treated than in Tennessee, and where the prospects of ultimate emancipation would be more remote. This address to the people of Tennessee admonishes us of the perennial fountain of evil they would inflict on the people of the insurgent district who would doom the more than three million six hundred and sixty-six thousand people of color, dwelling within its limits, to that dubious measure of freedom enjoyed by men to whom political rights are denied, by the following pointed passage: —

"The condition of a free man of color, surrounded by persons of a different caste and complexion, is the most forlorn and wretched that can be imagined. He is a stranger in the land of his nativity; he is an outcast in the place of his residence; he has scarcely a motive to prompt him to virtuous action, or to stimulate him to honorable exertions. At every turn and corner of the walks of life he is beset with temptations, strong, nay, almost irresistible, to the force of which in most cases he may be expected to yield, the consequence of which must be that he will be degraded, despised, and trampled upon by the rest of the community. When the free man of color is oppressed by the proud, or circumvented by the cunning, or betrayed by those in whom he has reposed confidence, do the laws of the land afford him more than a nominal protection? Denied his oath in a court of justice, unable to call any of his own color to be witnesses, if the injury he complains of has been committed by a white man, how many of his wrongs must remain unredressed; how many of his rights be violated with impunity; how poor a boon does he receive when he is receiving freedom, if what he receives can be called by that name! Unenviable as is the condition of the slave, unlovely as slavery is in all its aspects, bitter as the draught may be that the slave is doomed to drink, nevertheless his condition is better than the condition of the free man of color in the midst of a community of white men with whom he has no common interest, no fellow-feeling, no equality."

And it speaks to such with more pertinency than it did to those for whom it was written, when it says, —

"What, then, would be the condition of the community, with such a multitude of human beings turned loose in society, with all the habits, morals, and manners of the slave, *with only the name and nominal privileges, but without any of the real blessings of liberty, or the real privileges of the freeman?* Would not two distinct classes of people in the same community array themselves againt each other in perpetual hostility and mutual distrust? Would not the constant collision that would take place between them produce a feverish excitement, alike destructive to the happiness of both parties? Would not the condition of free people of color, under the operation of the causes already enumerated, be more wretched than the condition of the slaves? *Would not the white portion of the community be more insecure with such a multitude among them, who had no common interest with, no bond of union to, that part of the community with whom they were mixed, and yet from whom they were forever separated by a mark of distinction that time itself could not wear away?* The people of color, numerous as they would be, with no kindred feeling to unite them to that part of the community, whom they would both envy and hate, would, nevertheless, have at their command a portion of physical strength that might and probably would be wielded to the worst purposes. They would look across the southern boundary of the State, and there they would see in a state of servitude a people of their own color and kindred, to whom they were bound by the strong bonds of consanguinity, and with whom they could make a common cause, and would they not be strongly tempted to concert plans with them to exterminate the white man and take possession of the country? They would then possess the means of consulting together, of co-operating with each other, and *let it not be forgotten that they would be animated by every feeling of the human heart that impels to action.*"

Our millions will not look across the boundary and behold a people of their color and kindred in bondage. In all the States of Central America, as in Mexico, the colored man is not only free, but a citizen in the full enjoyment of all the rights according to any man under his Government. But on this point I shall have a few words to say hereafter.

How blinded by the pride of caste were the authors of the address from which I make these extracts! How fatally did they ignore the fact that God had made all nations of one blood! It was not necessary that Tennessee should expatriate her laborers, or maintain slavery, or create in her midst so dangerous a class. It was open to that convention to avoid the great iniquity, which, it appears, a majority of its members had predetermined, namely, the deprivation of the free colored man of the political rights he had enjoyed for forty years, and to have maintained the existing rights of those whose labor was giving consideration to the State and wealth to its people. But they had already forgotten the maxims of their fathers; and it will be well if we do not adopt their folly as our wisdom. Let us profit by their sad experience, and be warned by the voice of Jefferson, who exclaimed, —

"With what execration should the statesman be loaded, who, permitting one-half the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies — destroys the morals of the one part, and the *amor patriæ* of the other!"

And let us remember, too, that a wiser than he has said, —

" Woe unto them that decree unrighteous decrees, and write grievousness which they have prescribed; to turn aside the needy from judgment, and take away the right from the poor."

But plausible as were the reasons set forth in this address, its authors did not intimate to the people that even they doubted that the great wrong of slavery would soon disappear; and, as appears by pages 92 and 93 of the Journal, they further said, —

" But the friends of humanity need not despair; the memorialists need not dread that slavery will be perpetual in our highly favored country." . . . . . " Under the approving smile of Heaven, and the fostering care of Providence, slavery will yet be extinguished in a way that will work no evil to the white man, while it produces the happiest effects upon the whole African race." . . . . . " Let it be remembered that there is an appropriate *time for every work beneath the sun*, and a premature attempt to do any work, particularly any great work, seldom fails to prevent success. A premature attempt on the part of a sick man to leave his bed and his chamber would inevitably prolong his disease, or perhaps place it beyond the power of medicine. A similar attempt on the part of a poor man to place himself in a state of independence, by engaging in some plausible but imprudent speculation, would probably involve him in embarrassment from which he could not extricate himself throughout the whole remaining portion of his life. So a premature attempt on the part of the benevolent to get rid of the evils of slavery would certainly have the effect of postponing to a far distant day the accomplishment of an *event* devoutly and ardently desired by the wise and the good in every part of our beloved country."

The sophisms of this report were not permitted to pass without notice. Stout old Matthew Stephenson, (for he was then in the fifty-eighth year of his age,) sustained by several of his associates, caused their protest to be entered on the Journals. They said, among other things, —

" We believe the principles assumed in the report, and the arguments used in their support, are in their tendency subversive to the true principles of republicanism, and before we can consistently give them our unqualified assent we must renounce the doctrine that 'all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.' Above all, we believe the report is at variance with the spirit of the gospel, which is the glory of our land, the precepts and maxims of which are found in the Bible. One of its excellent rules is, 'As ye would that men should do unto you, do ye even so unto them.' Now, to apply this golden rule to the case of master and the slave, we have just to place each in the other's stead, then ask the question honestly, 'What would I that my servant, thus placed in power, should do unto me?' "

. . . . . .

" But we are told nature has placed on the man of color a mark of distinction which neither time nor circumstances can obliterate.

" *We admit the fact, but are nevertheless unable to perceive in that a good reason for denying to him the common right of man.* The words of eternal truth are, that God has made of one blood all nations that dwell upon the earth, and the undersigned, in the language of Cowper, are unwilling to 'find their fellow-creature guilty of a skin not colored like their own;' *nor can we admit as just the rule that would assign to men their rights according to the different shades of color.* In the opinion of the undersigned, all the evils so strikingly and so eloquently portrayed in the report, respecting the free people of color while among us, apply with equal, nay, with greater force to the same people while in slavery, unless, indeed, slavery gives dignity to man. And although the memorialists do not hint at retaining the people of color among us when free, but ask that some means be devised for their removal; nor would the undersigned be understood as advocating any system of emancipation unconnected with or without a view to their colonization; yet we believe they would be happier and safer subjects of our Government as free men than as slaves. *As we hold it wise policy in every Government to make it the interest of all its subjects to support, defend, and perpetuate its civil institutions, is it reasonable to suppose that any would desire the permanent existence of that Government which denied to them all the rights of freemen?* Solomon, in his wisdom, has said, 'Oppression makes a wise man mad.' "

Dr. Joseph Kincaid, of Bedford county, a native of Madison county, Kentucky, also prepared a protest against the doctrines of the address, and caused it to be entered on the Journals. From that protest I make but the following extract:—

" Can the free man of color be torn from his wife and family and driven in chains to a foreign land and there sold in the market like a dumb brute to him who will give the greatest sum for him, though his heart bleeds and bosom yearns with bowels of compassion and paternal tenderness for the wife and children of his bosom, who are bone of his bone and flesh of his flesh? He cannot. Or can the children of the fond mother be torn from *her* bosom while her heart is wrung with distress, and she agonizes in despair and mourns for them, and will not be comforted, because they are not? This cannot be done. Then does this not *sweeten* the 'draught' which the free man of color daily drinks? Most iadubitably it does. Are these blessings secured to the slave? We have seen they are not. What is it, then, which constitutes the situation of the slave *better* than that of the *free man of color?* Does the superior happiness and comfort of the slave over that of the free man of color consist in the amount of bread and meat which he receives at the hands of his master to subsist him, which he has not to trouble himself about the procuring of? The report seems to predicate a good portion of the solid comfort of the slave upon the daily rations which he draws from his master's stores. But this conclusion the undersigned cannot subscribe to; as an *American citizen* he would put a higher estimate upon the liberty which is enjoyed even by the free man of color. What! will it be said that *his* rights, privileges and happiness shall be balanced in the scale against the allowance of coarse fare which is given for daily subsistence to the slave, and the tattered garments that are furnished him to defend his body against the inclemency of the season, and the chains with which he may be *bound* in order to send him to a foreign market? Monstrous doctrine! Cannot the free man of color, with the labor of his hands, one-sixth part of his time, procure as ample a supply of food and raiment as is furnished the slave? Yea, and can he not then sit down under his own vine, in the bosom of his family, and enjoy it, and there shall 'be none to disturb or make him afraid'? "

Nor did the controversy end here; for the committee made a supplementary report, and true-hearted old Matthew Stephenson and his associates entered their second protest on the journal of the convention.

In drawing the picture of the condition of the free man of color, the committee representing the majority of the convention evidently had to view what they intended to make his future and not his past condition in that State; for the convention, instead of providing for the abolition of slavery, threw around that institution an additional safeguard by providing that "the General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owner or owners;" and by a vote of 33 to 23, changed the language of the clause regulating the elective franchise from "freemen," as it had stood from the organization of the State, to "free white men," since which time the negro has had no voice or share in the management of the public affairs of that State. Thus South Carolina triumphed over freedom in Tennessee.

But to return to my line of argument, having wandered too far in this interesting digression.

Ample as this is, we do not depend on the action of the Congress of the Confederation, and of the Convention for framing the Constitution of the United States, and the provisions of the several State constitutions, for all the proof the men of that period left that they recognized the right of man, by reason of his manhood, to the enjoyment of all the rights of citizenship. A long and uniform course of legislation, relating to and regulating territory stretching from the lakes southward to the Gulf of Mexico, confirms the fact. Congress, under the Articles of Confederation, twice provided for the government of Territories, and under our present Constitution the Congress of the United States much more frequently. The distinguished men who occupied seats in those bodies prior to 1812 had not been enlightened by the sibylline mysteries given to the world in the celebrated letter of General Cass to Mr. Nicholson, nor by the doctrine of "popular sovereignty" so persistently reiterated by Douglas as his "great doctrine;" nor by Calhoun's theory, which was finally accepted as the cardinal, if not the sole doctrine of Democratic faith, that the flag of the United States, wherever it may be borne, on land or sea, carries with it and protects human slavery, as announced by Toombs in his Boston address of January 24, 1856. They knew that it was the duty of Congress, alike under the Articles of Confederation and the Constitution of the United States, to legislate for the Territories and provide governments for their regulation. The resolutions of the Congress of the Confederation for the temporary government of territory ceded by the individual States to the United States, adopted April 23, 1784, provided for the establishment of territorial governments by the "free males of full age;" and the famous Ordinance of July 13, 1787, for the government of the territory north-west of the river Ohio, which repeals the resolutions of 1784, and the salient point of which was known first as the "Jefferson proviso," and later, in connection with the Oregon struggle, as the "Wilmot proviso," vested the right of suffrage in the "free male inhabitants of full age," with a certain freehold qualification. This Ordinance was re-enacted immediately after the adoption of our present Constitution, by the act of Congress of August 7, 1789; and in this respect was the precedent for every subsequent territorial act passed until 1812. The several acts passed from the foundation of the Government to that date were as follows: —

Under the Congress of the Confederation, those to which I have referred, namely, that of April 23, 1784, "for the temporary government of territory ceded or to be ceded by the individual States to the United States;" and that of July 13, 1787, "for the government of the territory of the United States north-west of the river Ohio."

And by the Congress of the United States since the adoption of the Constitution:—

The act of August 7, 1789, already referred to as re-enacting the Ordinance of 1787;

The act of May 26, 1790, for the government of the territory of the United States south of the river Ohio, under which, as we have seen, the State of Tennessee was organized;

The act of April 7, 1798, for the establishment of a government in the Mississippi territory;

The act of May 7, 1800, establishing Indiana Territory;

The act of March 26, 1804, for the government of Louisiana, which provided for a legislative council, to be appointed by the President of the United States, and not for an elective Legislature, as did all the rest;

The act of January 11, 1805, for the government of Michigan Territory;

The act of March 2, 1805, for the establishment of the Territory of Orleans; and

The act of February 3, 1809, for the government of Illinois Territory;

And in no one of these ten acts was any restriction placed on the right of suffrage by reason of the color of the citizen. In none of them was the word "white" used to limit the right to suffrage.

The next territorial act was that of June 4, 1812, providing for the government of Missouri Territory. More than twenty-two years had then passed since the adoption of the Constitution; and the men who had achieved our independence and fashioned our institutions in harmony with the fundamental truths they had declared, and who during this long period, more than the average active life of a generation, had resisted the aristocratic and strife-engendering demands of South Carolina, were rapidly passing, indeed most of them had passed, from participation in public affairs. Meanwhile, slavery had been strengthened by the unhappy compromise of the Constitution conceded to South Carolina and Georgia, by which "the migration or importation of such

persons as any of the States now existing shall think proper to admit" was permitted for the period of twenty years. Meanwhile, too, the people of the country, enjoying unmeasured and unanticipated prosperity, forgot that "eternal vigilance is the price of liberty," and that "power is ever stealing from the many to the few;" and proud of their own achievements, began to look with contempt upon the ignorant laborers they owned or employed, and their kindred newly imported from the coast of Africa; and began that long and rapid series of concessions to the fell spirit of slavery which made the present war inevitable, if free labor and the doctrine of a fair day's wages for a fair day's work were to be maintained in any part of the country. In the adoption of the territorial bill of 1812, South Carolina and slavery triumphed over freedom and the more powerful North, and the word "white," rejected in 1778 and thenceforth, was now inserted in the clause regulating suffrage in the fundamental law of a Territory.

Successful resistance to that innovation on well-established precedent would have secured freedom to Missouri, and in all probability averted the border wars of Kansas and the grander controversy in which we are engaged, and of which the Kansas feuds were but the sure precursor.

Can any candid man, in the face of this mass of concurrent evidence, assert that the fathers of our Government found in the fact of color cause for the denial of citizenship and the exercise of suffrage to any freeman? But more and if possible more pregnant proof on the point exists; not only did they assert the right of negroes to suffrage by rejecting the proposition of South Carolina in the Congress for framing Articles of Confederation, and protect it by the Constitution of the United States, and confirm it by twelve territorial laws; but, as I shall proceed to show, they, by express treaty stipulation, first with France and again with Spain, guarantied them "the enjoyment of all rights, advantages, and immunities of citizens of the United States," and the "free enjoyment of their liberty, property, and the religion which they professed." To show how unqualifiedly this was done under the administration of Mr. Jefferson, I beg leave to read a brief extract from that most interesting and instructive pamphlet, "The Emancipated Slave Face to Face with his Old Master," by J. McKaye, special commissioner from the War Department to the valley of the Lower Mississippi, and also a member of the Freedmen's Inquiry Commission:

"The valley of the Lower Mississipi, from an early period of its settlement, contained a proportionately large free colored population. In 1803, when the territory of which the State of Louisiana forms a part was ceded by the French republic to the United States, these free colored men were already quite numerous, and many of them were possessed of considerable property. They were not only as free as any other portion of the population, but in general as well educated and intelligent. Many of them were the children of the early white settlers, and had always enjoyed a certain social as well as civil equality. As to the enjoyment of political rights under the old Spanish and French regimes, neither white nor black settlers ever had much experience; consequently there had never arisen among them much question of these rights, or as to whom they belonged. The French republic, founded on 'liberty, equality, fraternity,' had not yet quite forgotten the import of these words, and hence caused to be inserted in the treaty of cession a solemn stipulation in the words following, to wit:

"'ART. 3. The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.'"

The Floridas, though less populous than the Louisiana territory, had quite as large a proportionate part of negroes and mulattoes among their population. By the treaty of February 22, 1819, with Spain, she ceded to the United States "all the territories which belong to her, situated to the eastward of the Mississippi, known by the name of East and West Floridas." The sixth article of the treaty is as follows:

"The inhabitants of the territories which his Catholic Majesty cedes to the United States by treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States."

My proposition is, that the Government of the United States was instituted to secure the rights of all the citizens of the country, and not for the benefit of men of one race only; and I know not where to look for evidence that would strengthen the conclusiveness of the mass of proof I have thus adduced, embracing as it does the action of the framers of all the State constitutions but one, of the Congress for framing Articles of Confederation, of the Convention for framing the Constitution of the United States, the acts of Congress in unbroken series throughout the active life of a generation, and the solemn obligations assumed by the executive department of the National Government in the exercise of the treaty-making power. If other source of proof there be, it can only serve to make assurance doubly sure.

Mr. Speaker, it is safe to assert that in every State save South Carolina, and possibly Virginia and Delaware,—in which two States the question of suffrage was regulated by statute and not by Constitutional provision, — negroes participated in constituting the convention which framed the Constitution of the United States, and voted for members of the State conventions to which the question of its ratification was submitted; and as that Constitution contains no clause which expressly or by

implication deprives them of the protecting power and influence of the instrument they participated in creating, I may well say that to secure internal peace by the establishment of political homogeneity, and perpetuate it by the abolition of political classes and castes whose conflicting rights and interests will provoke incessant agitation, and ever and anon, as the oppressed may be inspired by the fundamental principles of our Government or goaded by wrongs, excite armed insurrection, we need adopt no new theory, but accept the principles of our fathers, and administer in good faith to all men the institutions they founded on them.

As a step to this, my amendment proposes, not that the entire mass of people of African descent, whom our laws and customs have degraded and brutalized, shall be immediately clothed with all the rights of citizenship. It proposes only to grant the right of suffrage, inestimable to all men, to those who may be so far fitted by education for its judicious exercise as to be able to read the Constitution and laws of the country, in addition to the brave men, who in the name of law and liberty, and in the hope of leaving their children heirs to both, have welcomed the baptism of battle in the naval and military service of the United States, and who are embraced by the amendment reported by the committee. This, I admit, will be an entering wedge, by the aid of which, in a brief time, the whole mass improved, enriched, and enlightened by the fast-coming and beneficent providences of God, will be qualified for and permitted to enjoy those rights by which they may protect themselves, and aid in giving to all others that near approach to exact justice which we hope to attain from the intelligent exercise of universal suffrage, and the submission of all trials of law in which a citizen may be interested to the decision of his peers as jurors.

I am, Mr. Speaker, under but one specific pledge to my constituents other than that which promised to vote away the last dollar from each man's coffer and the last able-bodied son from his hearth-side, if they should be needed for the effectual suppression of the rebellion; and that is, that I will in their behalf consent to no proposed system of reconstruction which shall place the loyal men of the insurrectionary district under the unbridled control of the wicked and heartless traitors who have involved us in this war, and illustrated their barbarity by the fiendish cruelties they have practised on their loyal neighbors, negro soldiers, and unhappy prisoners of war; and to that pledge, God helping me, I mean to prove faithful. The future peace and prosperity of the country demand this much at our hands. The logic of our institutions, the principles of the men who achieved our independence and who framed those institutions, alike impel us to this course, as necessary as it will be wise and just.

Let us meet the question fairly. Do our institutions rest on complexional differences? Can we cement and perpetuate them by surrendering the patriots of the insurgent district, shorn of all political power, into the hands of the traitors whom we propose to propitiate by such a sacrifice of faith and honor? Did God ordain our country for a single race of men? Is there reason why the intelligent, wealthy, loyal man of color shall stand apart, abased, on election-day, while his ignorant, intemperate, vicious, and disloyal white neighbor participates in making laws for his government? What is the logic that denies to a son the right to vote with or against his father, because it has pleased Heaven that he should partake more largely of his mother's than of that father's complexion? And is it not known to all of us that well-nigh forty per cent of the colored people of the South are children of white fathers, who, after we subjugate them, will, with professions of loyalty only lip-deep, enjoy the right of suffrage in the reconstructed States? Shall he, though black as ebony be his skin, who by patient industry, obedience to the laws, and unvarying good habits, has accumulated property on which he cheerfully pays taxes, be denied the right of a voice in the government of a State to whose support and welfare he thus contributes, while the idle, reckless, thriftless man of fairer complexion shall vote away his earnings and trifle with his life or interests as a juror? Shall the brave man who has perilled life, and mayhap lost limb, who has endured the dangers of the march, the camp, and the bivouac, in defence of our Constitution and laws, be denied their protection, while the traitors, in the conquest of whom he assisted, enjoy those rights, and use them as instruments for his oppression and degradation? Shall he who, in the language of my amendment, may be able to read the Constitution of the United States, and who finds his pleasure in the study of history and political philosophy, whose integrity is undoubted, whose means are ample, be voiceless in the councils of the nation, and read only to learn that the people of free and enlightened America, among whom his lot has been cast, sustain the only Government which punishes a race because God in his providence gave it a complexion which its unhappy members would not have accepted had it been submitted to their choice or volition? And can he who will answer these questions affirmatively believe that governments are instituted among men to secure their rights, that they derive their powers from the consent of the governed, and that it is the duty of a people, when any government becomes destructive of their rights, to alter or abolish it, and establish a new government? Sir, our hope for peace, while we attempt to govern two-fifths of the people of one-half of our country in violation of these fundamental principles, will be idle as the breeze of summer or the dreams of the opium-eater.

In this connection let me call the attention

of the House to a fact to which I have already invited that of many members and other distinguished gentlemen. By the census of 1860, it appears that South Carolina had but 291,-300 white inhabitants, and 412,408 colored. Among the former we have no reason to know or believe that, since the death of Pettigrew, there is a single loyal man; while the latter, we have no reason to doubt, are all as loyal as Robert Small, the patriot pilot of Charleston harbor. Are we to declare that one white citizen of South Carolina is entitled to more weight in the councils of the nation than two citizens of a Northern State; and are the 291,-300 to be vested with the absolute government of 703,708? Is the entire loyalty of that State to be confided to the tender mercies of the chagrined and humiliated, but unconverted and devilish, traitors of the State that engendered and inaugurated this bloody rebellion? And shall they who have fought for our flag, sheltered our soldiers when flying from loathsome prisons, guided them through hidden paths by night, saving them from starvation by sharing with them their poor and scanty food, and whose unceasing prayer to God has been for our triumph, be handed over to the lash, the iron collar, and the teeth of the bloodhound, to gratify our pride of race and propitiate our malignant foes?

Again, the census shows that Mississippi, in 1860, had but 350,901 white inhabitants, and 437,404 colored. Disloyalty was almost as prevalent among the white men of Mississippi as among those of South Carolina; but who has heard from traveller, correspondent, returning soldier, or other person, that he has found a colored traitor within the limits of that State? And shall we, ignoring our theory that "governments derive their just powers from the consent of the governed," say to the majority in these States, "Stand back! time and labor cannot qualify you to take care of yourselves? We spurn you for the service you have rendered our cause, and hand you over to the degradation, the unrequited toil, the slow but sure and cruel extermination which your oppressors in their pride and madness will provide for you?"

And mark you, Mr. Speaker, again, how nearly the races are balanced in Louisiana, Georgia, and Alabama. In Louisiana there are 357,456 whites, and 350,546 colored people. Of whites, in Georgia, there are 591,550, and, of colored people, there are 465,736. In Alabama the whites number 526,271, while there are, of colored, 437,930. And, in Florida, there is the same near approach to equality of numbers; the white population being 77,-747, and the colored, 62,677. Are these people, by our decree, to remain dumb and voiceless in freedom? They are no longer slaves. War and the high prerogative of the President, called into exercise by the war, have made them free. Will you inflict upon them all the miseries predicted for the free colored people of Tennessee in the extract which I have read to you? No: rather let us bind them to our Government by enabling them to protect their interests, share its power, and appreciate its beneficence. This we can do; and the alternative is to so degrade them that they will prove an annoyance and an object of distrust to their white neighbors, an element of weakness to the Government, and a constant invitation to diplomatic intrigue and war by the ambitious man who dreams of a Latin empire in America, and who, following the example of the States of Central and South America, will accept the descendant of Africa as a Basque and a citizen of his proposed empire.

And here it may not be amiss to pause for a moment, and contemplate some ulterior consequences of our action on this subject. Trained in the school of democracy, I am a believer in the "manifest destiny" of my country. Having regarded the acquisition by Mr. Jefferson of the Louisiana Territory as wise and beneficent, though unwarranted by the Constitution, beholding great advantages in the acquisition of Florida, and having believed that, without war, could we have patiently waited, Texas would have come to us naturally as a State or States of the Union, I am used to dreaming of the just influence the United States are to exercise, from end to end of the American continent. Among the most ephemeral products of our era will be the Franco-Austrian Empire in Mexico, if we be but true to our own principles in this season of doubt and perplexity. Our infidelity to principles alone can give it perpetuity. Within its limits, the question of color is not a political or a social question; it is purely one of taste. There, as in Central and South America, the colored man is a freeman; and we are to determine whether the sympathies of these millions of people within our own borders are to be with the Government whose supremacy they have aided in re-establishing or with the wily and ambitious man who will pledge them citizenship on condition that they aid him in carrying the limits of his Latin empire to the northern boundary of the Gulf States of America. To them the United States or Mexico will be the exemplar nation of the world. Before her ruder laws all men are equal. Let ours be not less broad and just.

The tropical and malarious regions of Central America have, during the prevalence of slavery, seemed to be the natural geographical boundary of our influence in that direction. Tropical regions are not the home of the white man. They were not made for him. God did not adapt him to them. They are prolific in wealth, invite to commercial intercourse, yield many things necessary to the success of our arts and industry, and will one day afford a market for immense masses of our productions: but we cannot occupy them; we cannot develop their resources; nor can the negro, in the ignorance and degradation to which we

have hitherto doomed him. We have at length made him a soldier; and, if need be, he will carry our arms and our flag triumphantly over that, to us, pestilential region; and, if we make him a citizen; open to his children the school-house; give him the privilege of the work-shop, the studio, the hall of science; admit him to the delights and inspirations of literature, philosophy, poetry,—in brief, if we recognize him as a man, and open to him the broad fields of American enterprise and culture, he will see that nature has given him the monopoly of the wealth of that region, and will bless the world by making himself the master of it. By this means, and this alone, can we extend our influence over that region, and prepare for the ultimate Americanization of those drained by the Orinoco, the Amazon, and the Parana. As a citizen, nature will prompt the colored man to achieve these grand results; but if we leave the race a disfranchised and disaffected class in our midst, numbering millions, and embracing hundreds of thousands of men, who, in pursuit of freedom, have bared their breasts to the storm of battle, and who are no longer debarred by statute from access to the sources of thought and knowledge, they will, let me reiterate the fact, be a ready and powerful ally to any power that may be disposed to disturb our peace, and that will promise them the enjoyment of the rights of men as accorded to every citizen by its government.

But, it may be said, "history vindicates your theory. Our fathers did mean that the black man should be a citizen and a voter: to deny him his rights is illogical, as you have suggested; it would be better to secure his loyalty to the Government by its even-handed justice; but such an act would exasperate the Southern people, and we do not think it wise to do that. His race is inferior; and, in short, we will not do it." Who says his race is inferior? Upon what theatre have you permitted him to exhibit or develop his power? Give him an opportunity to exhibit his capacity; and let those who follow you, and have before them the results he produces in freedom, judge as to his relative position in the scale of human power and worth. To whom and to what do you say the American negro and mulatto are inferior? Was our Government fashioned for the Caucasian alone? Will you, as Theodore Tilton well asked, exchange the negro for the Esquimaux, for the Pacific-Islander, for the South-American tribes? Will you exchange our negroes for so many Mongolians, Ethiopians, American Indians, or Malays? I apprehend that the universal answer to these questions will be in the negative; because, oppress them as we may, we rate the American negroes as next to our own proud race in the scale of humanity; and shall we erect around our civilization, our privileges and immunities, a more than Chinese wall? Shall America, proud of her democracy, become the most exclusive of all nations in the world? Or shall she carry her faith into her life, and become the home of mankind, the empire of freedom, and, by her example, the reformer of the world?

Let us frankly accept Jefferson's test as to the right of suffrage, and give it practical effect. In a letter dated July 12, 1816, in discussing a proposed amendment to the constitution of Virginia, Mr. Jefferson said:—

"The true foundation of republican government is the equal right of every citizen in his person and property, and in their management. Try, by this as a tally, every provision of our Constitution, and see if it hangs directly on the will of the people. Reduce your Legislature to a convenient number for full but orderly discussion. *Let every man who fights or pays exercise his just and equal right in their election.*" — *Jefferson's Works*, vol. vii. page 11.

And again, in a letter written April 19, 1824, he said:—

"However nature may, by mental or physical disqualifications, have marked infants and the weaker sex for the protection rather than the direction of Government, yet, *among men who either pay or fight for their country, no line of right can be drawn.*" — *Works*, vol. vii. page 345.

And again, as if to show how well considered his opinion was, in the Notes on Virginia, speaking of the then constitution of that State, he said:—

"This constitution was formed when we were new and inexperienced in the science of government. It was the first, too, that was formed in the whole United States. No wonder, then, that time and trial have discovered very capital defects in it:

"1. The majority of the men in the State *who pay and fight for its support* are unrepresented in the Legislature; the roll of freeholders entitled to vote, not including generally the half of the militia or of the tax-gatherers." — *Works*, vol. viii. page 359.

By adopting this sound test, which, be it remembered, was the only one recognized by the fathers, and adhering to it, our practice will harmonize with our theories, and the repugnance between the races will gradually disappear. Wealth and power conceal many deformities, and will make the black man less odious to all than he now seems. Thus will consistant adherence to principle give strength and peace to our country.

But if, on the other hand, we ignore the rights of these four million people and their posterity, the demon of agitation will haunt us in the future fearfully as it has in the past. The appeals of these millions for justice will not go forth in vain; and the liberal, the conscientious, the philanthropic, the religious, now that our Christian Church recognizes her long off-cast child Philanthropy, will be found in hostile array against what the commercial and planting interests will regard as the conservatism of the day; and, though we find that we have buried the slavery question, our peace will be disturbed by the negro question constantly and fearfully as it has been by the struggle between slavery and free labor. To which party ultimate victory would be vouchsafed in such a controversy, I need not

ask; as the nation acknowledges that God still lives and is omnipotent.

Again, such action is necessary to prevent the re-establishment of our old tormentor, slavery. It is hoped that the proposed amendment to the Constitution, forever prohibiting slavery, may be adopted: but it has not yet passed this House; and if it had, who can guarantee its adoption by three-fourths of the State Legislatures? I hope and believe that that amendment will be adopted; but it is within the range of possibility that it may be defeated; and how, in that event, save by the suffrage of the colored man, by his right to protect himself, his power at the ballot-box, shall we prevent his subjugation, or the bloody war that such an attempt might provoke,— the re-enactment on the broader theatre of our Southern States of the terrible tragedies that ensued upon the attempt to again reduce to bondage the freed slaves of St Domingo?

Let it be borne in mind that States within the Union determine through their organism who shall be citizens, and under what condition the people may enjoy their rights; and that, if the proposed amendment to the Constitution fail by want of the approval of a sufficient number of the State Legislatures, and South Carolina, when re-admitted, should determine to re-enslave her freed men, and they should resist by force, although they constitute so largely the majority of her people, it would be the duty of the Government to bring the naval and military power of the United States into action in support of the authority of the State, as it did to suppress the Dorr Rebellion in Rhode Island, and repel the invasion of Virginia by John Brown and his twenty-two undisciplined volunteers.

But gentlemen may say that we need not fear such an effort as this; that the humanity of the age will prevent it. The humanity of the age has not prevented similar outrages. Neither the humanity of the age, nor the prudence of the people of the South, nor their sense of justice, nor their love of country, prevented a bloody war for the purpose of overthrowing democratic institutions, and founding an empire, the corner-stone of which should be human slavery. Let us not, therefore, while it is in our power to embody justice in laws and constitutions, be content to rely on man's abstract sense of justice, or his love for his fellow-man. Every gentleman knows that it has been the usage of every slave State to reduce free men, women, and children to bondage. Did not New Jersey — so late as 1797, as appears from the State *v.* Waggoner, 1 Halstead's Reports — hold that American Indians might be reduced to and held in slavery? Has it not been lawful in Virginia, as appears by her Revised Code and the Constitution of 1851, to apprehend and sell, by the overseers of the poor, "for the benefit of the LITERARY FUND," any emancipated slave that might remain within the State more than twelve months after his or her right of freedom had accrued? Has not South Carolina sold free colored citizens of Massachusetts into bondage, because she had torn them from the vessels on which they had entered her ports, imprisoned them and brought them, though accused of no criminal offence, under charges for jail fees which she had deprived them of the means of paying? and has not North Carolina, under her act of 1741, been in the habit of dooming to slavery the unoffending offspring of any white woman-servant and a negro, mulatto, or Indian? How horrible must have been the crime of the infant born of a *white* mother and an *Indian* father, that it should thus, by special statutory provision, be punished by life-long unrequited servitude, and be made the progenitor of a race of slaves! How dark indeed must have been the African blood of the child whose mother was a white woman and whose father an American Indian!

I know not that the books, full as they are of such instances, furnish any more absolute illustration of the power of a State over its people than this; and yet other and grander illustrations of that power on this and cognate questions rush upon my memory. But a few years since, it was gravely proposed by the Legislature of Maryland to expel from the limits of that State some eighty thousand people, because they were of African descent. The act passed both branches of the Legislature, and was referred to the people for popular sanction; and the main argument by which the proposition was defeated at the polls was the selfish one that the land of the white citizen would remain untilled if these laborers were driven from their homes. Had it been determined otherwise, the people or the Government of the United States could not have prevented the execution of the infamous decree, but could have been called to enforce it. A similar proposition at a later date found favor in Tennessee; but the lingering spirit of her earlier settlers rejected it upon the simple and higher ground of humanity; yet had such a law been enacted, and had the free people of color resisted it with force, did not we and every man in the North stand pledged to sustain the Government in the use of the naval and military power in carrying it into execution? Dorr's Rebellion, and the manner in which the United-States Government suppressed it, have a place in the history of our country, and illustrate the working of our system of Government.

But why speak of unsuccessful propositions, about which perverse ingenuity may raise questions? Surely we have not forgotten the act by which the State of Arkansas summarily decreed the banishment of free negroes and mulattoes who had their home in that State, and the enslavement of all such as might not be able to make their escape within the brief time allowed for the purpose. They numbered many thousands. Some of them had been

given freedom by their fathers, whose lingering humanity would not permit them to sell the children of their loins. Others had earned their freedom by honest toil, by acts of patriotism, or by deeds of generous philanthropy, the requital of which had been the bestowal of the poor measure of liberty that the free negro might enjoy within the limits of that State. The act to which I refer is No. 151 of the Acts of the General Assembly of the State of Arkansas for the session of 1858-59, and may be found on page 175 of the pamphlet laws of that session. It was approved Feb. 12, 1859, and contains twelve sections. Time will not permit me to cite the whole of this iniquitous statute; but two sections I must give entire. Section first is as follows:—

"*Be it enacted by the General Assembly of the State of Arkansas*, That no free negro or mulatto shall be permitted to reside within the limits of this State after the 1st day of January, A.D. 1860."

And the tenth section reads thus:—

"*Be it further enacted*, That it shall not be lawful for any person hereafter to emancipate any slave in this State."

Could language or rhetoric give force and amplitude to these provisions? The intermediate sections provide for the arrest and sale of any free negro or mulatto over the age of twenty-one years who might be found within the limits of the State after the date indicated in the first section, and the disposition to be made of the funds arising from their sale. As a bribe to the people of the several counties of the State to see the law faithfully executed, the surplus of each sale, after deducting the costs, was to be paid into the county treasury. They provided also for the hiring of those free colored persons who were not twenty-one years of age, and for the sale of such of these hirelings as might be found within the limits of the State thirty days after the expiration of their term of service. When it is remembered that, by a reversal of the immemorial and universal presumption that man is free, it had been provided in this and all other slave States that the presumption that he was a slave arose from the fact that any measure of African blood flowed in a man's veins; and that it was the duty, not only of police and other officers, but of every citizen, who found a person of African descent at large to arrest him and demand the evidence of his freedom, and, in default of the production thereof, to cast him into jail; and that for the jail fees thus accruing he might be sold,— it will be seen how impossible it was for these poor and illiterate people to make their exit from that State and through these coterminous to it, whose laws contained the same barbarous provisions.

The humanity of the act is embodied in the eleventh section, which provides for the support of "children under the age of seven years who have no mothers, and who cannot be put out for their food and clothing," and for "the aged and infirm negroes and mulattoes who may be ascertained to be incapable of leaving the State, *or cannot be sold* after being apprehended." Less merciful than Herod, the citizens of Arkansas did not slay all these innocent children, but with wise regard to the future welfare of the treasury of each county, having deprived them of the support their natural guardians and fond parents could and would have provided them, and having torn from the aged and infirm who were incapable of leaving the State, and "could not be sold," the stout sons or gentle daughters whose years would have been gladdened by toiling to sustain those weary and aged ones in their declining years, they made it the duty of the county courts to make provision out of the proceeds of the sale of the able-bodied, for the support of those whom they thus robbed of their natural support and protection; leaving the aged and infirm to travel rapidly toward paupers' graves, and the children to be sold into slavery as cupidity might bring purchasers to the alms-house. Let men no longer speak of the laws of Draco, but say that an American State has, in the infernal inhumanity of her legislation, exceeded in cruelty the despots of all nations and all ages. Had the colored people of Arkansas had the right of suffrage their party influence would have saved us the shame we feel as we contemplate this page of American history.

The possible repetition of such acts as these by the aristocracy of the old States, when they shall again be fairly in the Union, is not matter of speculation. The purpose is already avowed. I have myself heard it said by men, now professedly loyal, that the condition of the negro will be made more horrible as freemen than it has ever been in slavery; and they have said to me, "you know that where the laborers are ignorant and powerless, as these will be, the will of the employer is their supreme law."

Among the witnesses examined by the freedmen's inquiry commission was Col. George H. Hanks, of the fifteenth regiment, Corps d'Afrique, member of the Board of Enrolment, and superintendent of negro labor in the Department of the Gulf. Colonel Hanks went to Louisiana as a lieutenant in the twelfth Connecticut volunteers, under General Butler, and was appointed superintendent of the contrabands under General Sherman. His testimony illustrates the fitness of the colored people for freedom, and proves the determination of their old masters that they shall never, by their consent, enjoy it. Thus he says:—

"The negroes came in scarred, wounded, and some with iron collars round their necks. I set them at work on abandoned plantations, and on the fortifications. At one time we had six thousand five hundred of them. There was not the slightest difficulty with them. They are more willing to work, and more patient, than any set of human beings I ever saw. It is true there is a general dislike to return to their old masters; and those who have remained at home are suspicious of foul play, and feel it to be

necessary to run away to test their freedom. This year the dislike has very much lessened; they begin to feel themselves more secure, and do not hesitate to return for wages. The negroes *willingly accept the condition of labor for their own maintenance, and the musket for their freedom.* I knew a family of five who were freed by the voluntary enlistment of one of the boys. He entered the ranks for the avowed purpose of freeing his family. His name was Moore; he was owned by the Messrs. Leeds, iron founders; they resided within one of the parishes excepted in the proclamation of emancipation. He was the first man to fall at Pascagoula. Upon starting he said to his family, 'I know I shall fall, but you will be free.'

"A negro soldier demanded his children at my hands. I wanted to test his affection. I said 'They have a good home.' He said 'Lieutenant, I want to send my children to school; my wife is not allowed to see them; I am in your service; I wear military clothes; I have been in three battles; I was in the assault at Port Hudson; I want my children; they are my flesh and blood.'"

Again: —

"The colored people manifest the greatest anxiety to educate their children, and they thoroughly appreciate the benefits of education. I have known a family to go with two meals a day in order to save fifty cents a week to pay an indifferent teacher for their children."

After having spent nearly two years in daily intercourse with the planters in the Department of the Gulf, Colonel Hanks, in his sworn testimony, says: —

"Although they begin to see that slavery is dead, yet the spirit of slavery still lives among them. Many of them are even more rampant to enslave the negro than ever before. They make great endeavors to recover *what they call their own negroes.* One planter offered me $5,000 to return his negroes. They have even hired men to steal them from my own camp. (The old spirit still prompting to the old crime, which long ago was declared felony by the law of nations, if perpetrated in Africa)." . . . .

"They yield to the idea of freedom only under compulsion. They submit to the terms dictated by the Government, because obliged so to do. Mr. V. B. Marmillon, one of the richest and most extensive sugar planters in the whole valley of the Mississippi, took the oath of allegiance, but refused to work his own plantation unless he could have *his own negroes* returned to him. He had fourteen hundred and fifty acres of cane under cultivation; his whole family of plantation hands left him and came to New Orleans, reporting themselves to me. Among them could be found every species of mechanic and artisan. I called them up and informed them that the Government had taken possession of old master's crop, and that they were needed to take it off, and would be paid for their labor. All consented to return; but next morning when the time came for their departure, not one would go. One of them said 'I will go anywhere else to work, but you may shoot me before I will return to the old plantation.' I afterwards ascertained that Marmillon, whom they called 'Old Cotton Beard,' had boasted in the presence of two colored girls, house servants, how he would serve them when he once more had them in his power. These girls had walked more than thirty miles in the night to bring this information to their friends."

Colonel Hanks adds: —

"It is undoubtedly true that this year a change for the better seems to be taking place. In some parishes the letting of plantations to northern men has a powerful effect. The dispositions of the planters, however, toward their old slaves, when they consent to hire them, is by no means friendly. I told a planter recently that it was the express order of General Banks that the negroes should be educated. He replied that 'no one should teach his negroes.'"

And he further declares it as his deliberate judgment that —

"If civil government be established here, and military rule withdrawn, there is the greatest danger that the negro would become subject to some form of serfdom."

Mr. Commissioner McKaye, in his invaluable pamphlet, to which I have already referred, confirms the general correctness of the views of Colonel Hanks, and says they were concurred in by many other intelligent persons familiar with the subject, and that his own personal observation fully confirms them. He says:

"In a stretch of three hundred miles up and down the Mississippi, but one creole planter was found (there may, of course, have been others with whom I did not come in contact) who heartily and unreservedly adopted the idea of free labor, and honestly carried it out upon his plantation. And although he declared that, in itself, it was successful much beyond his expectation, yet, he said, 'my life and that of my family are rendered very unhappy by the opposition and contumely of my neighbors.'

"The simple truth is, that the virus of slavery, the lust of ownership, in the hearts of these old masters, is as virulent and active to-day as it ever was. Many of them admit that the old form of slavery is for the present broken up. They do not hesitate even to express the opinion that the experiment of secession is a failure; but they scoff at the idea of freedom for the negro, and repeat the old argument of his incapacity to take care of himself, or to entertain any higher motive for exertion than that of the whip. They await with impatience the withdrawal of the military authorities, and the re-establishment of the civil power of the State, to be controlled and used as hitherto for the maintenance of what to them doubtless appears the paramount object of all civil authority, of the State itself, — some form of the slave system.

"With slight modification, the language used recently by Judge Humphrey in a speech delivered at a Union meeting at Huntsville, Alabama, seems most aptly to express the hopes and purposes of a large proportion of the old masters in the valley of the Mississippi, who have consented to qualify their loyalty to the Union by taking the oath prescribed by the President's proclamation of amnesty. After advising that Alabama *should at once return to the Union by simply rescinding the ordinance of secession*, and after expressing the opinion that the old institution of slavery was gone, Judge Humphrey says, 'I believe in case of a return to the Union, we would receive *political co-operation*, so as to secure the management of that labor by those who were slaves. *There is really no difference in my opinion whether we hold them as absolute slaves or obtain their labor by some other method.* Of course we prefer the old method. But that question is now before us.'"

To the same effect was the testimony of the late Brigadier General James S. Wadsworth, whose official tour through the valley of the Mississippi gave him ample means of arriving at an intelligent judgment:

"There is one thing that must be taken into

account, and that is, that there will exist a very strong disposition among the masters to control these people and keep them as a subordinate and subjected class. Undoubtedly they intend to do that. I think the tendency to establish a system of serfdom is the great danger to be guarded against. I talked with a planter in the La Fourche district, near Tibadouville; he said he was not in favor of secession; he avowed his hope and expectation that slavery would be restored there in some form. I said, 'If we went away and left these people now, do you suppose you could reduce them again to slavery?' He laughed to scorn the idea that they could not. 'What!' said I, 'these men who have had arms in their hands?' 'Yes,' he said; 'we should take the arms away from them, of course.'"

While we confront these facts, let me, Mr. Speaker, ask of you and the House whether we shall best consult our country's welfare by giving to the laboring people of the South the ballot by which they may protect themselves, and inspiring them with the hopes, and disciplining them by the duties, of citizenship, or by predetermining that ours shall be a military Government, and that the first-born son of every northern household shall be liable to pass his life in the Army, maintained to protect the aristocratic South against the maddened and degraded laborers whom she oppresses. It is we who are to decide this question; we who are to determine who shall select delegates to the conventions that are to frame the future constitutions of the insurgent States; we who are to say whether the constitutions which they will submit to us when asking re-admission are republican in form, as required by the terms of the Constitution of the United States; and if we fail here, to our timidity, arrogance, prejudice, or pride of color, will be justly attributable the conversion of our peaceful country into a military Power, and our democracy into an aristocracy. "We cannot escape history."

This is not mere idle fancy. Let us for a moment suppose, not what is alone within the range of possibility, but what is within the scope of probability; nay, what is almost certain to happen, — that the two hundred and ninety-one thousand pardoned rebels of South Carolina should demand from their Legislature an act reducing to apprenticeship, serfdom, or other form of slavery, the four hundred and twelve thousand colored people of the State, or that they deny them all political rights, tax them without their consent, legislate, not for their welfare, but for their degradation and oppression. Composing this unrepresented mass would be those who have passed through General Saxton's schools, and learned to read; those who by toil have earned the means to purchase at sales for taxes, or under the confiscation laws, a home and land; and others, scarred and warworn in the military or naval service of the country, who would hurry to and fro, rallying their friends to resist the outrage, and maintain their right to life, liberty, and property. Here would be the beginning of civil war, — war in which we who believe in the doctrine of man's rights, that governments are instituted to protect those rights, that they rest on the consent of the governed, and should be overthrown when they infringe those rights, would bid the insurgents God-speed. Ah! this we might do as men, as individuals; but, as citizens of the United States, what would be our duty? and how must our power be exercised? The minority, though vested with political power, fearing the superior force of the majority, would, in the name of the State, appeal to us; and, repugnant as the duty might be, we would owe it to the sacred compromises of the Constitution to yield our pride, our conscience, our fidelity to God and man, and become again the protectors of slavery or the pliant instruments for reducing the majority of the people of the State into subjection to the arrogant aristocracy of South Carolina. In God's name, let us, while we can, avert such a possibility; let us conquer our prejudices; let us prove that we are worthy of the heritage bequeathed us by our revolutionary sires; let us show the world that, inheriting the spirit of our forefathers, we regard liberty as a right so universal and a blessing so grand, that, while we are ready to surrender our all rather than yield it, we will guarantee it, at whatever cost, to the poorest child that breathes the air of our country.

But we owe a provision of this kind to another class of citizens than that of which I have been speaking. There are other loyal men than these in the South. Andrew Johnson, Horace Maynard, William H. Wisener, sen., John W. Bowen, W. G. Brownlow, though not alone in their loyalty, represent but a minority of the white people of Tennessee; and Thomas J. Durant and Benjamin F. Flanders and Rufus Waples and Alfred Jervis have had thousands of adherents and co-workers among the whites of Louisiana; but they, too, are but a minority of the white people of that State; and, as our armies go on conquering, we may learn that even on some hillside in South Carolina there have been men whose loyalty to the Union has never yielded. How shall these protect themselves in the reconstructed State? What millennial influence will induce the envenomed spirit of the majority of the people by whom they will be surrounded to treat them with loving-kindness or human justice? Who will go with them to the polls in their respective districts? Where will they find an unprejudiced judge and an impartial jury to vindicate their innocence when falsely accused, or maintain their right to character and property? We must remember that it is the power and not the spirit of the Rebellion we are conquering. Time alone shall conquer this. The grave, long years hence, will close over those who to the last day of their life would, were it in their power, overthrow the Government, or revenge their supposed wrongs upon those who aided in sustaining it. The truly loyal white men of the insurrectionary districts need the sympathy and political support of all the loyal people among

whom they dwell, and unless we give it to them, we place them as abjectly at the feet of those who are now in arms against us, as we do the negro whom their oppressors so despise. I cannot conceive how the American Congress could write a page of history that would so disgrace it in the eyes of all posterity as by consenting to close this war by surrendering to the unbridled lust and power of the conquered traitors of the South, those who, through blood, terror, and anguish, have been our friends, true to our principles and our welfare. To purchase peace by such heartless meanness, and so gigantic a barter of principle, would be unparalleled in baseness in the history of mankind.

This is felt in the South. The black man already rejoices in the fact that, if we are guilty of so great a crime as this, he will not be alone in his suffering; it will not be his prayers or his curses only that will penetrate the ear of an avenging God against those who had thus been false to all his teachings and every principle they professed. I find in the "New-Orleans Tribune" of Dec. 15, 1864, which paper, I may remark, is the organ of the proscribed race in Louisiana, and is owned and edited and printed daily in the French and English language by persons of that race, an admirable article in response to the question, "Is there any justice for the black?" which was drawn forth by the acquittal of one Michael Gleason, who had been tried for murder.

The crime was established beyond all peradventure. It was abundantly proven that the victim, Mittie Stephens, a colored boy, had been quietly sitting on the guards of the boat, watching the rod with which he was fishing; that other boys sat near him, when the defendant came behind him, leaned over, and deliberately pushed him into the water, and, folding his arms on his breast, stood and saw the boy rise thrice to the surface, and then sink forever; that a colored woman exclaimed, "That is not right," and the defendant answered, "I would do the same to you;" and thus, neither rescuing the child nor permitting others to do it, coolly and deliberately committed murder. There was no dispute as to any of the facts of the case. The New-Orleans Era, noticing the case, says that it establishes the theory that "a man may, whenever he has no other way of amusing himself, throw a negro boy overboard from a steamboat, prevent any of his friends from rescuing the drowning struggler, stand quietly looking on while he goes to the bottom to rise no more, and be considered 'not guilty' of murder or any other crime;" and adds, having evidently hoped for better things under freedom than it had been used to in the days of slavery, "This is almost as enlightened a verdict as we were accustomed to in the palmy days of thuggery."

The colored editor of the "Tribune" avails himself of the case to point a moral, and well says, —

"The trial by jury is considered as the safe-guard of innocence. It has been found that a man indicted for a criminal offence cannot be impartially tried and convicted, unless by his own peers; but an *ex parte* jury is the worst of all judicial institutions.

"The security afforded by the composition of a jury has to be of a twofold character. The jurymen have to represent the community at large in all its classes and varieties of composition. The duty of a jury is as well to vindicate innocence and punish crime as to protect the man unduly arraigned before the Court. Justice has to strike the culprit and avenge the blood of the innocent, as well as to defend the accused party against undue prejudices. Why have we no representatives in the jury? Are our lives, honor, and liberties to be left in the hands of men who are laboring under the most stubborn and narrow prejudice? Is there any protection or justice for us at their hands? It is in vain that, in the present instance, the press have so strongly supported the right. The wrong has been committed, and we are notified that there is no redress for us.

"*But for every Union man in the city the last verdict is a warning. In the event — as impossible as it may appear — that rebel rule should temporarily be established here, we can foresee the fate of the friends of the Union. Then, there will be no more justice, no more protection, for them than for the hated negro. It will be lawful to pursue them in the streets, drown them, kill them; and no jury will be found to convict the murderers.* Let the Union men understand the case, and look to a complete reform in our laws relating to the formation of the jury."

The fate predicted to the real friends of the Union will be meted to them by the pardoned rebels, who will, if we permit it, rule them in the future as assuredly as it would if their military power should again possess the city.

Still comes the question, are these more than two-fifths of the people of the insurrectionary district fit for citizenship? Let me reply by a question or two. Is the question of fitness put to the foreigner by the judge who administers the oath, the taking of which invests him with all the power of a native-born citizen and all its promises save one, that of the presidency? Is the white native of our soil, who, at the close of a reckless youth, the victim, perhaps, of early poverty and the degradation of parents, is unable to read his native tongue when first he comes to the polls to deposit his ballot, interrogated as to his fitness? Is it only to the wise, the learned, the powerful that we accord the right of suffrage? Are there not within the knowledge of each one of us scores of the children of this proscribed race who, in the conduct of their daily affairs, in the acquisition of property, in the tenderness and good judgment with which they rear their families, in the generosity with which they contribute to their church, and the fidelity with which they obey her high behests, — prove themselves infinitely better fitted for citizenship than the denizens of the swamp, Mackerelville, and other such reeking localities, who swelled the majority in the city of New York at the last election to thirty-seven thousand? And shall no culture, no patriotism, no wisdom, no tax-paying power, secure to the native-born American that which at the end of five years we, with so much advantage to our country, fling as a boon to every foreigner who may escape from the poverty and oppression and

wrong of the Old World, to find a happier home and a more promising future in this? The question is not whether each man is fitted for the most judicious performance of the functions of citizenship, but whether the State is not safer when she binds all her children to her by protecting the rights of all, and confiding her affairs to the arbitrament of their common judgment.

But colored people have shown themselves abundantly capable of self-government. Under oppressions exceeding in infinite degree those suffered by the oppressed people of Ireland, — ay, by the subjects of the Czar of Russia, — they have shown themselves capable of caring for themselves and others. Buying the poor privilege of providing for themselves by paying to their owners hundreds of dollars per annum, thousands of them have maintained homes, and kept their families together, and reared their children to such an age that the lordly master, wanting cash for current purposes, has plucked the graceful daughter from her home to sell her to a life of debauchery, or the son, whose developing muscles promised support in age to his parents, to sell him to a life of unrequited toil. Snatched from these horrors, a few thousands, some ten or twelve, have been sent during the last forty years to the western coast of Africa. There, under the auspices of American benevolence, they founded a republic, and, with almost American greed for land, have extended the jurisdiction of the little colony till the Republic of Liberia, as I learn from the National Almanac, now embraces twenty-three thousand eight hundred and fifty-nine square miles. And the people have assimilated from among the heathens among whom they were settled, men, women, and children, until their flag protects and their jurisdiction regulates four hundred and twenty-two thousand, most of whom, taught in the schools of the colony, find their enduring hopes in the old King James Bible, which they are able to read. But for our jealous contempt of the race, the flag of that African republic, so extensive has her commerce already become, would be familiar in all our leading ports. Our arrogance has hitherto excluded it; and, by reason of our arrogance, we pay tribute to our haughty commercial rival and treacherous friend Great Britain by purchasing at second-hand from her the tropical products which the republicans of Liberia would gladly exchange directly with us for those of our more temperate region.

Fit by culture and experience they may not be; but let us regard the characteristics of our civilization, and see whether the future should, by reason of this fact, be made liable to such momentous consequences as would be involved in error on this point. The abundant proof is before us of their eagerness and ability to acquire information. We are equally able to provide them with the means of culture; and, happily, the good people of the North, carrying the frame of the schoolhouse and the church in the rear of each of our advancing armies, have shown themselves prompt to provide them with the means of instruction, — to give to each and every one of them the keys to all knowledge in the mastery of the English language, the art of writing, and the elementary rules of arithmetic.

Though the gentleman from New York [Mr. BROOKS] insists that history is but repeating itself, I tell him that ours is a new age, and ask him to be kind enough to let me know who invented Hoe's "last fast printing-press" in the age in which it first existed, and by whose steam-engine it was propelled, and whether he edited the "Express" that fell in myriad thousands from its revolving forms? The limits of what former America did the magnetic telegraph traverse, making man, even the humblest, well-nigh omnipresent within its limits? In what antique age and country, broad as ours, was distance reduced as it is by the locomotive engine in this? From among the hidden treasures of what buried city, or from the printed pages of what lost nation, did John Ericsson steal the subtle thoughts with which he has blessed the world, and which we credit to him as inventions? In what era, will the gentleman tell me, did a nation convert by the stroke of a pen and the act of occupancy its landless and destitute people into independent farmers and pillars of the State by a homestead-law such as that by which we offer estates to the emigrant and the freedman? If history be but repeating herself, will the gentleman point me to the original of the American Missionary Society, and show me, from experience, what influence its labors are to have upon those whom we have hitherto doomed to the darkness of ignorance? Whence did the founders of the American and other Tract Societies borrow the idea of their great enterprise?

From what age or what clime comes our common-school system? and what chapter of human history did they re-enact who founded the American Sunday-school Union? Will the gentleman draw from his historic stores a sketch of the influence that institution alone is to have in developing and training the intellect and regulating the life of the freedman and the "poor white trash," now that rebellion has opened the way to the teacher, the daily journal, and the printed volume to their fire-sides? In what ample depository did its ancient prototype conceal the stereotype plates for more than a thousand books that it so cheaply published, imparting many of them in the simplest sentences, and others in those of Bunyan, Milton, Heber, Cowper, — the poets, preachers, philosophers, historians of all Christian countries, — the thought and knowledge time has garnered?

No, Mr Speaker, history is not repeating itself. We are unfolding a new page in national life. The past has gone forever. There is no abiding present: it flies while we name it; and, as it flies, it is our duty to provide for the thick-coming future: and, with such agencies as I have thus rapidly alluded to, we need not fear that even the existing generation of freedmen

will not prove themselves abundantly able to take care of themselves, and maintain the power and dignity of the States of which we shall make them citizens.

We are to shape the future. We cannot escape the duty; and "conciliation, compromise and concession" are not the methods we are to use. These, alas! have been abundantly tried: and their result has been agitation, strife, war, and desolation. No man has the right to compromise justice: it is immutable; and He whose law it is never fails to avenge its compromise or violation. Ours is not the work of construction, it is that of reconstruction; not that of creation, but of regeneration; and, as I have shown, the principle of the life we are to shape glares on us, lighting our pathway, from every page of history written by our revolutionary fathers. Would we see the issue of "compromise, concession, and concilation"? Sir, we behold it in the blazing home, the charred rooftree, the desolate hearthside, the surging tide of fratricidal war, and the green mounds beneath which sleep half a million of the bravest and best-loved of our men!

South Carolina, representing slavery, demanded the insertion of the word "white" in the fundamental articles of our Goverenment. Our fathers resisted the demand; and, as I have suggested, had their sons continued to do so, slavery had long since been hemmed in as by a wall of fire: its true character would have been known among men; for then would the freedom of discussion not have been assailed, and men been legally punished by fine and imprisonment, and lawlessly by scourging and death, for speaking of its horrors. And by resisting this demand, as I have shown, man was accorded his right in the Territories till 1812. Then our fathers yielded; and, without tracing the rapid retrograde career which ensued, we find the results of conceding and compromising principle in the attempt to abandon justice as established by the fathers, and settle a Territory under the conflicting theories of Cass and Douglas, and of Calhoun and Jefferson Davis; the two former striving to establish slavery under phrases full of professed devotion to freedom; the latter proclaiming boldly, through the lips of Robert Toombs, that "Congress has no power to limit, restrain, or in any manner to impair slavery; but on the contrary, it is bound to protect and maintain it in the States where it exists, and wherever its flag floats and its jurisdiction is paramount" (Boston Address, January, 1856).

We can trace the influence of compromise and concession, again, in its effects upon the constitution of States. Behold the colored and white voters mingling peaceably at the polls in North Carolina, Maryland, Tennessee, and other slave States, and run the downward career until, at the dictation of South Carolina and slavery, you find States which have become free by constitutional amendment, and others which never tolerated slavery, yielding to their demand to insert the word "white" in their constitutions, and so creating a proscribed class in their midst; others even denying a dwelling-place upon His footstool within their limits to the children of God whose skins were not colored like their own; and finally Arkansas writing a chapter of history which redeems Draco's name from the bad pre-eminence it had so long borne. Triumphant wrong is ever aggressive, has ever been, will ever be. Look back also upon our churches, practically ignoring for half a century the existence of nearly four million people who were held in contempt of every one of the beatitudes, and compelled to live in violation of every clause of the decalogue, and whose existence made the utterance of the Lord's prayer seem, to foreigners who comprehended the wrongs of slavery, like a hideous mockery as it dropped from American lips.

And these results, be it remembered, did but express the influence which aristocratic and dictatorial South Carolina, whose spirit now possessed the entire South, had, through compromise, concession, and conciliation, produced upon the mind and heart and conscience of the American people. Let me illustrate this by one striking example. While yet Missouri was a Territory, — seven years, however, after the South had been made imperious by her triumph in inserting the word "white" in the territorial law for Missouri, and while she was busy fashioning that great State north of the Ohio line into the future home for slavery, — the abolition of the institution was being agitated in Maryland as well as in Tennessee. Notwithstanding the recent triumphs of slavery it was still possible for a man to oppose the spread of the institution, point out its atrocities, and favor its abolition, and yet look for preferment and honor at the hands of his fellow-citizens; and when Jacob Gruber, a Methodist clergyman, was indicted by the Frederick County court, of Maryland, on the charge of "attempting to excite insubordination and insurrection among slaves," Roger B. Taney stepped forth to defend him, and in the course of his argument, used the following language: —

"Mr. Gruber did quote the language of our great act of National Independence, and insisted on the principles contained in that venerated instrument. He did rebuke those masters, who, in the exercise of power, are deaf to the calls of humanity; and he warned them of the evils they might bring themselves. He did speak with abhorrence of those reptiles who live by trading in human flesh, and enrich themselves by tearing the husband from the wife, the infant from the bosom of the mother; and this, I am instructed, was the head and front of his offending. Shall I content myself with saying he had a right to say this? that there is no law to punish him? So far is he from being the object of punishment in any form of proceedings, that *we are prepared to maintain the same principles, and to use, if necessary, the same language here in the temple of justice*, and in the presence of those who are the ministers of the law. A hard necessity, indeed, compels us to endure the evils of slavery *for a time*. It was imposed upon us by another nation while we were yet in a state of colonial vassalage. It cannot be easily

or suddenly removed. Yet, while it continues, *it is a blot on our national character*, and every real lover of freedom confidently hopes that it will be effectually, though it must be gradually, wiped away, and earnestly looks for the means by which this necessary object may be attained; and until it shall be accomplished, until the time shall come when we can point without a blush to the language held in the Declaration of Independence, every friend of humanity will seek to lighten the galling chain of slavery, and better, to the utmost of his power, the wretched condition of the slave. Such was Mr. Gruber's object, in that part of his sermon of which I am now speaking. Those who have complained of him and reproached him, will not find it easy to answer him, unless complaints, reproaches, and persecution shall be considered an answer."

But under the influence of the doctrine of "conciliation, concession, and compromise," the author of this language soon learned that, for an ambitious man, these brave and good words were folly and madness. Pure in his personal life, beautiful in the relations that characterized his family and his social circle, his history will never be forgotten; his name will ever head the list of "ermined knaves." Thirty-eight years after the Gruber case, in the chief temple of justice of our country, in the presence of her ministers, of whom he was himself the chief, when speaking of the free colored men of New England, and those of their race throughout the country, he declared, in violation of all truth, that —

"The legislation and histories of the times, and the language used in the Declaration of Independence, show that neither the class of persons who had been imported as slaves nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

"It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world, at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted; but the public history of every European nation displays it in a manner too plain to be mistaken.

"They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, *that they had no rights which the white man was bound to respect.*"

Mr. Speaker, shall we in providing for the reconstruction of the Union, accept and proclaim as our faith the hideous dogma that four millions of our people have "no rights which the white man is bound to respect," or, in the very hour in which our arms are breaking the power of the Rebellion, make any concession to the spirit that evoked it? South Carolina may shake her gory locks and bloody hands at us in impotent rage; but let us not quail before her now, as we have done for the last half century. Through the lips of Northern "Sons of Liberty" and members of the order of "American Knights," she demands that, as a graceful concession, we shall comply to-day with the proposition our forefathers rejected on the 25th of June, 1778, and insert the word "white" in the fundamental law of the land; on the other hand, the shades of our patriot fathers, humanity, the spirit of the age, the welfare of the nation, the hopes of the countless millions who will throng our country through the long ages, implore us to listen to the voice of justice and obey the injunctions of the Master, who has assured us that "inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." Let not, I pray you, the South achieve her grandest triumph in the hour of her humiliation. Let not the spirit of a prostrate foe practise on our pride and prejudice, and exult, through all time, over a lasting victory. Peace is the offspring and handmaid of Justice, and let us, in reconstructing the Union, erect a temple in which she may abide forever.

Mr. STILES. Mr. Speaker, I did not desire to interrupt my colleague [Mr. Kelley] in the delivery of his carefully prepared speech. It would have marred its beauty and power. But if I understand him correctly he stated that prior to the adoption of the constitution of 1838, negroes enjoyed the right of suffrage in the State of Pennsylvania. My question is, whether the constitution or laws of that State gave them such a right; and, further, whether they ever did exercise such a right; whether he does not know that by the decision of the highest courts of that State they were not allowed to vote there?

Mr. KELLEY. They were allowed by the constitution to vote, and they did vote; and it required a constitutional amendment — the insertion of the word "white" in the clause regulating suffrage — to deprive them of that right.

Mr. STILES. I desire to ask my colleague further, when and in what portion of the State of Pennsylvania they ever exercised that right?

Mr. KELLEY. Why, I have seen them exercise it frequently at the polls in Philadelphia, and that, too, whether the election officers belonged to one party or the other.

Mr. STILES. That must have been confined to my colleague's own precinct. It was never known in the history of that State.

Mr. KELLEY. I beg leave to say that it was done throughout the State, and was in some instances made the subject of litigation.

Mr. STILES. It was never done except in one county — the county of Bucks — so far as I know, and then only in one instance.

I desire further to ask my colleague in this connection, because his speech has tended toward universal equality, whether he is in favor of giving negroes universally the right of suffrage now?

Mr. KELLEY. I am in favor of giving that right, in the words of Jefferson, to "every man who fights or pays." I stand by the doctrine of Thomas Jefferson, the father of the Democratic party, in which I was trained.

Mr. STILES. In the event of the passage of the amendment to the constitution proposed, is

my colleague in favor of equality between the races? And will he regard negroes as equal to the white man?

Mr. KELLEY. I could not possibly regulate the equality of men. I cannot make my colleague so moral or intelligent as a man of darker complexion who is more moral and more intelligent; nor could I degrade my colleague to the level, in morals and intelligence, of the colored man who is less moral or less intelligent than he. My colleague does not, according to his theory, vote by reason of his intelligence, but simply by reason of his color. I might be willing to exclude from the privilege of voting an immoral or a voluntarily ignorant man; but I want no senseless rule that allows a fool or a scoundrel to vote if he be white, and excludes a wise and an honest man if he be black.

THE IMMEDIATE ISSUE:

A SPEECH OF WENDELL PHILLIPS

AT THE ANNUAL MEETING OF THE MASSACHUSETTS ANTI-SLAVERY SOCIETY AT BOSTON.

THE 8th day of November closed the record up to that day. We need have no criticism on matters which took place before. In our judgments of men we differ; but our business is with facts of national action. As abolitionists, we shall probably no more agree in our judgment of individuals than the sects agree in their creeds, no matter how long or how patiently we may argue such questions; but if our sessions have any purpose or utility, it must consist in the expression of an anti-slavery opinion in regard to the facts now taking place in American civil life; and my judgment is, that the great duty of abolitionists at this time is to record their opinion as to such facts; otherwise, there seems to be no meaning, no purpose in any meeting of the Massachusetts Anti-slavery Society.

The future just opening upon us has one question for abolitionists, and that is, the terms of reconstruction. The great danger in that future consists in three facts. The first is, that the prejudice against the negro is not more than half eradicated from the North. Secondly, that the republican party, which has the Government in its control, is weakened in its principle by the very numbers which have rallied to its flag. Thirdly, that the Executive pleads earnestly an immediate reconstruction of States, within the next twelve months.

The first element to which I adverted, the continuing prejudice against the negro, and the second, that the republican party is not itself able to command a decisive vote on questions of absolute justice to the negro, make the third, the wish of the Executive to reconstruct under such circumstances, vitally important in an anti-slavery point of view. I have no doubt, any more than the most sanguine among us, that if the same pressure could be continued upon the administration which we have enjoyed hitherto, and which has made 1864 out of 1861, we should compel liberty out of the present aspect of affairs; but that pressure was composed of two elements. On the Southern side it was war; on the Northern side it was discontent with the Executive. The Government has travelled from 1861 to 1864, not of its own will. I do not regard it as having accomplished one single step self-moved. In every case, it has been bayoneted up to it by the pressure of outside public opinion, by a distinct intimation from almost every quarter, and especially from abolitionists, that its course and attitude were not satisfactory. On the Southern side, there was another element,—war. As long as that continued, it ripened the South and the North. It educated both parties. Our defeats educated the Northern mind, our victories educated the Southern mind; and while this process went forward there was no great fear that the Government would be able to baulk the purposes which underlie the great civil convulsion; but the press and the general public have measurably discontinued, within the last six months, this critical pressure, and rebuke of the attitude of the administration. The public mind has largely settled down into the conviction that the question is safe, somewhere, either in the purposes of the Executive or in the march of events, and consequently the press and the general public have largely discontinued their criticisms. On the other hand, when we look at the South, there is a battle going on inside the Confederacy far more momentous in its influence on our future than any battle Grant will fight, or than Sherman has fought; that is, the contest between the statesmen of Georgia and Richmond as to which shall lead the Confederacy. Vice-President Stephens, Gov. Brown, and the class of men whom they represent, are undoubtedly wearied with the efforts already made to establish independence, and satisfied that they have done enough. I do not look upon them as having exhausted their means, or as intimating that they have exhausted their means. On the contrary, even Sherman, certainly a competent judge, writing from Georgia itself, on the 25th day of October, two months after the victory at Atlanta, commences his letter with an observation of this kind, which

he repeats in another letter of the same date: "This war is only begun." Doubtless he meant, "I see around me so many evidences of the means of continuing the war, that, in a military point of view, it is only begun." If any party at the South discontinue it, they discontinue it not of necessity, but of purpose.

Now, the Georgia plot, so to call it, to unhorse Davis, and throw him from the saddle, is a momentous one as regards the anti-slavery issue. If they conquer, the idea of peace dominates in the Confederacy. When that idea gets the helm of the Confederacy, peace will be made; no doubt of it, because the whole tone of the republican party is peace, on some condition or other, shortly, from political and military necessities, as they judge. We were told in Washington, by a dozen members of the House, that if North Carolina should knock at the door to-day, having chosen Senators and Representatives, and should say, "I wish to enter as I stand: I will discuss slavery when I have entered, but I submit to the flag — admit me!" we are assured, I say, by half-a-dozen members, "We could not take a vote; she would be admitted by acclamation." Such is the temper of Congress itself. But Congress, even in that mood of mind, recognizes and confesses that the wish for the speediest reconstruction prevails in the White House, with tenfold the intensity that it does in its own body. If, therefore, from any respectable portion of the South, especially from a portion that had got control of the Confederacy, an offer of peace should come, there would undoubtedly be negotiations resulting in it; and every man who is acquainted with the state of public feeling even here knows, that, if Georgia should ask to-morrow to be admitted to this Union on the basis of freeing her slaves within ten years or twenty years, every other man in the community would say, Amen! that two-thirds of the republican party would honestly say, Amen! For you must remember that the republican party is not to-day composed of, certainly not ruled by, its original elements, educated by thirty or twenty years of political struggle. It consists, on the left hand, of a converted democratic, on the right hand, of a converted Bell-Everett, section,— men who "see men as trees walking," have no definite conception of the necessities of the question, no real experimental knowledge of the subject; and their very honesty of purpose, entitling them to influence, doubles their danger to us. They would deservedly influence politics, and control it, through the press and the Executive. They honestly believe to-day in the madness of immediate emancipation, and any scheme which repudiated it would have their earnest sanction. Added to this is another element. The President has distinctly avowed to the House Committee on Reconstruction, "I will sign almost any bill on that subject which admits Louisiana; I will sign no bill which does not admit her." In other words, he practically endorses the statement of Gen. Banks at the Tremont Temple, that the reconstruction of Louisiana is the model which the Executive sets to the other States for the reconstruction of civil government; because, in the first place, this very avowal says to Congress, "It is safe thus to reconstruct Louisiana; reconstruct it;" and, secondly, every man knows, that any one State which passes the doors of Congress will necessarily be the model for every other; because Louisiana once admitted as she stands, if Georgia or South Carolina comes up to-morrow, they will justly claim: "Give us the same privileges and terms that you have accorded to Louisiana;" and every man acquainted with politics in general or the state of parties in particular to-day knows that you could not rally a vote against such a claim. Admit one State, and you fix the precedent: every other State will deem itself injured if it is precluded from any privilege enjoyed by the first admitted State. When, therefore, Congress submits,— as even Mr. Sumner is understood to say they must submit, however reluctantly, in this single objectionable instance, to the wishes of the President,— when Congress submits to this reconstruction of Louisiana, it establishes the principle underlying Louisiana as the guide for future reconstruction. What is that principle? I hardly need to examine it. Fortunately for us, Judge Field has exhibited in one act its nature. A brutal, domineering, infamous overseer spirit, such as we knew it before '60, its symbol, the bowie-knife, comes back to the House as the chosen representative, at the first blush, of the white men of Louisiana,— one of them represented to me, by competent authority, a month ago, as really a rebel at the bottom of his heart as any one that treads the continent. That is the first harvest reaped in the hot enthusiasm of the hour, with every eye in the nation planted on the reconstruction. What element of the white race will follow? What class of men will hereafter come up to share authority with us, if this be their best sample?

But this is not, perhaps, the exact question for an Abolitionist; it is the question for a citizen. We are sharing sovereignty with that white race; but to-day I come here merely to criticise the attitude of that white race toward the negro. You will remember that to-day we have the power to protect the negro in New Orleans as perfectly as we have in the streets of Boston. The slightest fringe of his rights trampled upon, and the hand of Government can reach the offender as effectually in New Orleans as in State Street. That is the attitude to-day. How necessary is it that Government should enjoy that right? Look at Maryland and see. Maryland accepted emancipation at her own will: she voted it of her own will. It was not forced upon her by conquest; by the act of the Federal Government; it was accepted by her own citizens. If there ever was a State, therefore, where the interest of the black race

could be trusted to the fairness and good purpose of the white race, it was Maryland. What was the fact? Twenty-four hours after that proclamation of Gov. Bradford's, making the Constitution the law of the land, the whites of that State took up a forgotten law, and proceeded with speedy and vengeful activity to put it into execution. Left alone a week, as I was assured in Baltimore, they would have had all the young colored persons so thoroughly apprenticed that liberty to them would have been a sham for the next fifteen or twenty years. The courts were powerless to oppose it. Gen. Wallace, of the United-States army, on the spot, issued his order superseding every court in Maryland, as far as the negro was concerned. That order, withdrawn within a week at the request of the loyal men, because it had done its work, defeated the plot; but had he not been there, there would have been no power competent to arrest that conspiracy, which our friend here (Geo. Thompson) knows was nothing but a literal repetition of what was done in the West Indies. Jamaica parallels our experience in every particular. I remember when I was in England in 1841, the delegates from Jamaica told me exactly the same story that the loyal men of Baltimore did last month.

This is the white race, in the best circumstances, at the commencement. As I say, while we are in actual possession of a State, holding it by the army, we can protect the negro, reconstruct a State, and where are we? Why, we have put up a fence between the Federal Government and the State Government. The bill before the House proposes, for instance, that South Carolina, with 300,000 white men, and not a loyalist among them, and 400,000 black men, and not a disloyalist among them, shall be reconstructed, the fence erected between us and them, the government of the State given to these 300,000 rebels, and the black men put under their feet helplessly. If we were in England, I should have no doubt and no fear: because the English realm has but one law, practically; and the statute of London runs to the end of the realm. By the Queen's Bench, or the Privy Council, a magistrate at the end of the earth can be unseated according to the will of Parliament. That is England; but that is not America. Put up the fence between you and Louisiana or South Carolina, and the Federal law runs to it, not over it, except in two or three specified cases. Suppose (what is by no means certain) that we get an amendment of the Constitution prohibiting slavery. Many abolitionists have said, that, "with the prohibition of chattel slavery, and an abolitionist for Chief Justice, the negro is safe." How unwise! On the other side the State fence is Robert Small and Gov. Aiken. On this side is Salmon P. Chase and the Federal Constitution. Why, if Gov. Aiken has got any brains, he can grind Robert Small to powder in nine hundred and ninety-nine different ways without trespassing on the Anti-Slavery Amendment; and until he does, Salmon P. Chase cannot interfere. When I come to speak to you, in a moment, of Louisiana, you will see that Banks has actually set them the example, and given them the very method, by which to grind the negro without restoring chattelism. Do not let us forget the history of the anti-slavery struggle, and what it has taught us of the limited authority and influence of the Federal Government.

Every man of you, fifty years old, can remember the experience of the Federal Government in 1831, when the strongest power in the nation grappled with the State of Georgia, and was defeated. When Georgia seized a converted Cherokee, in 1831, and said, "I will hang him," Chief Justice Marshall said, "You cannot: it is unconstitutional." Orthodoxy rallied from Massachusetts Bay to the Mississippi and said, "You shall not: it is infamous." Where is there a stronger power than the orthodox sects of the North for an army and the Supreme Court for a general? Congress denied the legality of the proceeding. The press of the country, ignorant and exultant, said, "It can't be done." "See if it can't," said Georgia, and hung him up. Then she took Samuel Worcester and put him in jail. Behind him stood the American Board of Commissioners for Foreign and Domestic Missions, in front of him the Chief Justice, but Georgia turned the key on him, and there he lay, until, in her sovereign will, she chose to open it. South Carolina took our black seamen out of ships, and put them in jail. Winthrop even was lifted to manhood enough to prove it was illegal; the Secretary of State proved it was unconstitutional; Massachusetts protested; Congress protested; we sent Samuel Hoar down to say, "Wayward sister, why do you so?" "Go home, or I will put you in," was the answer. We had the Federal authority, the North, and the Constitution on our side; but they availed nothing. Texas took six of our black men and sold them, ten years ago; and we do not know to-day where they are. Unconstitutional, all of it; public opinion on our side largely at the North; but Congress said, "We know no means by which to check a State." Chief Justice Marshall exhausted all his ingenuity in the Cherokee case. The interlocking of State and Federal authority is so complex, that when a State, short of war, chooses thus to throw herself athwart the Government, it is exceedingly difficult, if not impossible, to interfere with her.

We are to remember the history of the cause. I allow, of course, what every man knows, that all this time we had a pro-slavery public: we are to have an anti-slavery one, I hope, in the future; but I want to bring to your minds, first, the almost impossibility, even with the Constitution on our side, of attacking a State, and then to remind you that the white men of the reconstructed States can keep inside the Constitution, be free from any

legal criticism, and yet put the negro where no Abolitionist would be willing to see him.

Now, to my mind, an American abolitionist, when he asks freedom for the negro, means effectually freedom, real freedom, something that can maintain and vindicate itself. I do not believe in an English freedom, that trusts the welfare of the dependent class to the good will and moral sense of the upper class. This is aristocracy. The ballot in England is in the hands of some eight hundred thousand or a million of men, and the welfare of the rest trusted to their sense of justice. That is their philosophy of government; it is not ours. Our philosophy of government, since the 4th day of July, 1776, is that no class is safe, no freedom is real, no emancipation is effectual, which does not place in the hands of the man himself the power to protect his own rights. That is the genius of American institutions. Now, when I see the nature and relative position of the State and Federal Governments, and know that the white man of the North, if he wished to, could not protect the negro of Louisiana, once put that State fence between them, could not if he would, and I still believe, would not if he could, in the absolute sense of justice and freedom; then, as an abolitionist, under such a government, I fall back on the democratic principle, and claim of the anti-slavery party that it shall be content with no emancipation which does not put into the hands of the freedman himself the power to protect his newly-acquired liberty (applause). No emancipation is effectual, no freedom is real, which does not take that shape. I argue it simply as a question of security, not of justice, or magnanimity. For a nation to ask a man to fight for them and then leave him without full citizenship, is an infamy which would make a man forswear all part in such a nation (loud applause). I have seen a letter from one of our ablest captains, who writes — "I do not believe in the equality of races. I do not accept the policy of allowing negroes to fight. I do not believe in universal suffrage, nor in universal freedom. I believe that this is a white man's battle, and that white men should fight it. But" he says, "if the white man chooses to give himself to trade, and let the negro fight the battle, the hand that defends the country has a right to govern it," (applause.) That is honest logic. That is the honest logic of an opponent of anti-slavery. That is the logic of a man whose growing popularity, with such a heart, constitutes one of the great dangers of our future.

If we are to believe in the sincere purpose of the Administration to arm the negro and give him his musket as the basis of his right to every privilege of citizenship, how shall we explain that when Sherman asked for Col. Bowman, months ago, to organize the negroes who sought our camp, from that day to this, though often repeatedly urged, no one has been sent him! From that day to this, the Government has never responded to his call. From that day to this, the Executive at Washington has not answered, though urged, even by Maryland, to do it. They left him to sully the noblest achievement of the war by the most infamous act that ever disgraced a nation. When he swept across the continent, doing what no soldier had done before, had he gathered the only help he got, the black man, into his ranks, his star would have taken its place in the highest galaxy of patriots and captains. But instead of that, with deliberate infamy, he paused at the end of a causeway a mile long, let the white men pass, and held back the negroes who had brought him horses, food, information, and then tore up the bridge, and stood by while rebel cavalry shot that mass of friends down as they would a herd of buffaloes (cries of "Shame!") The proudest action of the war is covered with a blot sufficient to make any American unwilling to name it as done by his countrymen. Show me an instance, under any plea of military strategy or necessity, where a white man seeking our lines, in the whole four years, has been hurled back on the bayonets of the enemy, and our men stood by and saw him shot down, and I will grant some excuse, some plausible apology for this infamous butchery by the first military genius of the white race. I know, of course, in whose immediate presence and by whose immediate order the act was done; but as you do not seek out the name of the soldier who actually tore up the bridge, but visit your rebuke on this Davis who ordered the act, so I go farther and hold the head of the whole expedition, Sherman, responsible. Any marked act in that march which he has not censured he must be held to have indorsed and approved. This infamy is too monstrous for our indignation to be satisfied, grovelling down among petty underlings, like this Jefferson C. Davis. I hold Sherman responsible since he has endorsed it by silence. If the Administration remains silent, then I hold President Lincoln and Mr. Secretary Stanton the real murderers. They can hasten fast enough to relieve a general who spares the lives of his soldiers; we wait to see what they will say to one who murders them.

Louisiana! — the President offers it to us as an initial reconstruction. We may see what sort of freedom, therefore, we are to hope for if the black man be left to the tender mercies either of a Major General or of the white men of the rebel States; but in examining this matter, I shall rely almost exclusively on the speech of Gen. Banks at Tremont Temple. I take that not because I think Gen. Banks's statement to be any evidence whatever of the truth of what he says, but because I find enough admitted and claimed for merit by him in that speech to make me repudiate Louisiana. Thoroughly untrustworthy in regard to the whole question of Louisiana, only a brain thrice sodden would accept Banks's evidence on any point relating to the negro. A Major General, born in Massachusetts, grad-

uated by three years of such a war as this, who could say to the black regiment of Louisiana, which had left half its numbers under the mouths of the enemy's cannon, when it asked to put "Port Hudson" on its flag, "No," while he permitted a white regiment, doing picket duty two miles off, so to inscribe their banner, is not fit witness where the negro is concerned, (applause.) I refuse him all right to testify; and I visit the same criticism even on the War Department when I recollect that it is but a month since they rectified that infamous injustice. Week after week, month after month went by, and the men whose comrades had died under the very mouths of the enemy's cannon had a flag unmarked, while so many a white man flaunted his lie in their faces, and the Government at Washington, indifferent and heartless, permitted this injustice; but as I say, I accept the acknowledgments of Gen. Banks in this speech as sufficient for my purpose.

What you call the freedom of Louisiana, is "Banks's freedom," and it is no freedom for me. The English, in 1834, called their apprenticeship system, "Stanley freedom;" they replaced it soon by something better. The Abolitionists, asking for bread — Emancipation — are presented with a stone, — "Banks's freedom." I, for one, do not accept it.

In that speech, Gen. Banks, himself, describes his system as one planned "to *prepare* the negro for as perfect an independence as that enjoyed by any other class." The anti-slavery agitation of thirty years stamps its contempt on any *preparation* of the negro for justice (loud applause.) If there is any thing patent on the whole history of our thirty years' struggle, it is that the negro no more needs to be *prepared* for liberty than the white man (applause.) Yet Gen. Banks begins his speech by saying he has initiated a system to *prepare* the negro for liberty! He then goes on to say, that in the State of Louisiana, the negro is not allowed to make a contract. Now, I try him in two ways. He says neither the negro nor any laboring man in Louisiana, can be allowed to make a contract. If he is sincere, why hasn't he put the white laborer as well as the black under his Provost Marshal? (Applause.) If his principle is a correct one, his law should be, "No laboring man in Louisiana shall fix the rate of his own wages, fix the term of his own contract, or leave the spot where he has agreed to labor;" but there is no such rule. Gen. Banks, having laid down the principle that no *laboring man* is able to make a contract in Louisiana, proceeds to do — what? To settle that no *black man* shall make a contract! showing the sham of the original principle! What he means, practically, is, "no laboring negro shall make a contract."

We never shall have a nation until it is governed by one idea. The idea of Massachusetts liberty is MANHOOD; a human being, not an artificial being; a thing created by God, not by law. The Southern idea of liberty has been, a white race lifted into position by law, and a black race thrust down into its position by law. The idea of Massachusetts liberty is, a man competent to sell his own toil, to select his own work, and, when he differs with his neighbor, a jury to appeal to. My will at the beginning of the road, and a jury at the end; — that is liberty, according to the Northern interpretation. Gen. Banks's liberty for the negro is, no right to fix his wages; no right to choose his toil, practically no right; having once chosen his place, no right to quit it; any difference between employed and employer tried by a provost-marshal, not a jury. History always repeats itself. In Jamaica, England tried her apprenticeship system, and said to the negro, "If you differ with your master, go to the Stipendiary Magistrate." Who was he? He was a commissioned Englishman, who travelled from plantation to plantation, arrived late in the afternoon, took a bath, a dinner, a bottle of Madeira, went to bed, got up late, breakfasted with his host, and then coolly sat down on the piazza to hear what the negroes had to say. The negro never got any justice, of course. In the same way, Gen. Banks has set up what he calls a Provost-Marshal. He has the American ingenuity as to phrases. It is not a magistrate, it is not a justice. You know we have never had slavery. Years ago, we had the "domestic institution;" then we had "the peculiar institution;" then "the patriarchal institution;" then a Methodist Bishop was requested, not to get rid of his slaves, but to get rid of his "*impediment*," (laughter). Mr. Choate, when in his last years he canvassed Massachusetts, said, not slavery, but "antagonistic system of labor." So Gen. Banks organizes labor, sets up a Provost Marshal — a very innocent military officer — who visits the white man, dines, sups, sleeps, goes up in the morning, and listens at arm's length to the complaints of the freedman. What chance of justice has he? His wages having been originally fixed by that Provost-Marshal and the employer, without any voice of his, any difference is referred to the Provost-Marshal, and practically, necessarily, though not included in the ostensible system, behind the Provost Marshal stands the lash. I have here the letter of a New England Brigadier General stating that to his knowledge the freedmen are whipped. I have in my own ears the confession of a New York Colonel that he had sent his own soldiers to see it done; and we have the statement, in Colonel McKaye's report, that whipping was undoubtedly practised on many plantations under this beautiful "organization of labor."

Thus Gen. Banks hands over the black man to the white race in Louisiana, and then Mr. Lincoln insists that that State shall be admitted as a representative State, with two Senators to balance New York, and five Representatives to balance Connecticut. By all the record of thirty years, I protest. By every principle

held sacred in the anti-slavery discussions of a quarter of a century, I protest against accepting that bastard as a true son of the Rebellion (applause). Louisiana is "keeping the promise to the ear and breaking it to the hope." It is sacrificing the very essence of the negro's liberty to the desire for a prompt reconstruction. I do not believe it will be possible to reconstruct those States for a quarter of a century, if the attempt is made to reconstruct them of white men. This generation never will have their minds changed to that extent that they can be trusted. I said to one of the Provost-Marshals of North Carolina — the most Union State of all, it is said, — "How much unionism is there in North Carolina?" "Well," said he, "when a man is half whipped and thoroughly starved, he is a very good Unionist." No doubt he is. The white race is no fit timber to build States with, and, looking at the question as mere citizens, the ballot to the negro is indispensable, because we have no other timber to build States with, and unless we build with him, we must postpone reconstruction for so many years that the very patronage of territorial government would swamp Republican institutions. Keep them territories, let the Democracy come in in eight years or four, with the money-power of this banking system in one hand and territorial government on the other, and Republican government will be almost a farce. God gives us but one bridge over the pit, like the line of the Mohammedan legend, fine as a spider's web. Step one single iota to the right or left of absolute justice, and the nation is in the pit (applause). All that the negro needs, and all that belongs to him, is the indispensable necessity of the white race, as well as justice to him. I contend, therefore, that what the anti-slavery cause needs to-day, is the most indignant protest against "Banks's liberty" in Louisiana, a most indignant repudiation of it as emancipation, the most earnest protest against the acceptance of such a State by Congress on every ground, unless we would lose half the fruits of the Rebellion. A government color-blind; no distinction of race in the camp or the Senate; the negro entitled to vote and to be voted for; to fight with rifle in hand or to order the battle with stars on his shoulders; stars and office for the heart, brain and hand, that can win and wield them; this is at once justice, fair play, magnanimity and necessity, and the only pathway to safety and empire.

I believe, friends, that there is more hope of safety to us in Richmond to-day, than there is in Washington, because, as I said, speaking of the struggle within the Confederacy, if Jefferson Davis keeps the saddle, he continues the war, and will clean this continent from St. Louis to St. Augustine — free every black, yes, give him a patent of nobility, before he will yield to the Yankee; and that process will educate us. Do not let us be wanting to the grand signs with which Providence beckons us forward. Whoever supposed he would live to see such an hour as we see to-day? Jefferson Davis marched out of Washington, his right hand full of fetters for the black, on which he had written "Forever." To-day he sits in Richmond, with pale lips debating with his fellows whether the black man will defend and save him. [Mr. MAY — "God be thanked!"] He might be painted to-day kneeling at the very feet of the negro, begging help, or aghast at the gulf which yawns beneath, and no hand but that of the black to save him. Such a change no other page of history shows us. God has given it to us, the glorious result of battle in the South, and as keen a struggle in Northern thought and purpose here. I see it as my friend [Mr. May] does, but what I demand of him is, that in the future as in the past, he shall give us that same keen criticism which has made 1865 out of 1861, which has bent Jefferson Davis to the feet of the negro, and which will yet force him to muster that very race against us; and Northern prejudice, half exorcised by the thunders of Port Hudson and Fort Wagner — the negro on our side — will shudder down to its own place — the bottomless pit — when the negro carries a victorious banner against us. Then we shall confess "the negro will fight," not in the complacent tone of pitying condescension, but with wholesome terror and common sense (applause). Yes, it is war at the South, and as keen a war betwixt the abolitionists of the North and the political policy which governs the Republican party, on which I base my hope — not in praises, not in wasting time telling how much has been done. The world knows that. It is the last step which makes success or failure. It is the last half hour which actually consummates victory. As Napoleon said, it is the last fifteen minutes and the last regiment which decides which army beats.

I know, as my friends do, how much has been done. Just so the soldier in front of Richmond to-day knows exactly how much has been done. He can count Chattanooga and Gettysburg, Antietam and Petersburg, and the Wilderness, and cry exultingly to Grant, "How much?" But suppose he should fold his arms, and say, "Lieutenant General, we have done so much that I am going home, and shall leave you to consummate the victory, solitary and alone, over Richmond;" should we think that policy? It seems to me some of our anti-slavery friends stand to-day counting up success after success, created solely by the anti-slavery bayonet thrust into the White House, and, having finished the list, they say, "Let us fold our arms, cry, Great is the Republican party, and trust Abraham Lincoln to consummate a perfect victory." Will Grant, even with all his past successes, make Richmond capitulate without an army? Just as soon as the Republican party can subjugate the slaveocracy without our searching criticism and constant demand, "Onward! Justice, absolute

Justice, forthwith and forever!" To-day the balance hangs. Who are to gain or to lose? Don't think that I exaggerate the problem. We have not measured "the job." More than half of it remains in front to-day. The fault of the American mind from the commencement, has been in not probing and measuring the vastness of the work. Some two years ago, McClellan summoned Sherman to his side, and said, "How many men will it take to hold Tennessee?" "Two hundred thousand," said Sherman. "Madness!" said the "young Napoleon" (laughter). "Insanity! You are a fanatic; it won't take thirty thousand;" and he banished the fanatic west of the Mississippi, to take charge of an Indian post. It has taken three hundred thousand men to hold Tennessee; the banished fanatic has swept across the continent, and snuffs the breezes of the Atlantic, with conquered States for a retinue, while the young Napoleon has gone to study engineering in a foreign land! (Loud applause.) To-day there is an opinion similar to McClellan's — that the future is so near, so ready for one grasp, that we can afford to relax our efforts, disband, muster out, and trust the Generals and Senators to *negotiate* the victory. That is McClellan, thinking that Tennessee could be held with a handful. In time, I think you will realize that the fanaticism which is to grasp both ends of the continent is that which measures to-day, with anxiety, the severity of the trial and the vastness of the work before us. (Loud applause.)

WHAT THE BLACK MAN WANTS:

SPEECH OF FREDERICK DOUGLASS

AT THE ANNUAL MEETING OF THE MASSACHUSETTS ANTI-SLAVERY SOCIETY AT BOSTON.

MR. PRESIDENT, — I came here, as I come always to the meetings in New England, as a listener, and not as a speaker; and one of the reasons why I have not been more frequently to the meetings of this society, has been because of the disposition on the part of some of my friends to call me out upon the platform, even when they knew that there was some difference of opinion and of feeling between those who rightfully belong to this platform and myself; and for fear of being misconstrued, as desiring to interrupt or disturb the proceedings of these meetings, I have usually kept away, and have thus been deprived of that educating influence, which I am always free to confess is of the highest order, descending from this platform. I have felt, since I have lived out West, that in going there I parted from a great deal that was valuable; and I feel, every time I come to these meetings, that I have lost a great deal by making my home west of Boston, west of Massachusetts; for, if anywhere in the country there is to be found the highest sense of justice, or the truest demands for my race, I look for it in the East, I look for it here. The ablest discussions of the whole question of our rights occur here, and to be deprived of the privilege of listening to those discussions is a great deprivation.

I do not know, from what has been said, that there is any difference of opinion as to the duty of abolitionists, at the present moment. How can we get up any difference at this point, or at any point, where we are so united, so agreed? I went especially, however, with that word of Mr. Phillips, which is the criticism of Gen. Banks and Gen. Banks's policy. I hold that that policy is our chief danger at the present moment; that it practically enslaves the negro, and makes the Proclamation of 1863 a mockery and delusion. What is freedom? It is the right to choose one's own employment. Certainly it means that, if it means any thing; and when any individual or combination of individuals, undertakes to decide for any man when he shall work, where he shall work, at what he shall work, and for what he shall work, he or they practically reduce him to slavery. (Applause.) He is a slave. That I understand Gen. Banks to do — to determine for the so-called freedman, when, and where, and at what, and for how much he shall work, when he shall be punished, and by whom punished. It is absolute slavery. It defeats the beneficent intentions of the Government, if it has beneficent intentions, in regard to the freedom of our people.

I have had but one idea for the last three years, to present to the American people, and the phraseology in which I clothe it is the old abolition phraseology. I am for the "immediate, unconditional, and universal" enfranchisement of the black man, in every State in the Union. (Loud applause.) Without this, his liberty is a mockery; without this, you might as well almost retain the old name of slavery for his condition; for, in fact, if he is not the slave of the individual master, he is the slave of society, and holds his liberty as a privilege, not as a right. He is at the mercy of the mob, and has no means of protecting himself.

It may be objected, however, that this pressing of the negro's right to suffrage is premature. Let us have slavery abolished, it may be said, let us have labor organized, and then, in the natural course of events, the right of suffrage will be extended to the negro. I do not agree with this. The constitution of the human mind is such, that if it once disregards the conviction forced upon it by a revelation of truth, it requires the exercise of a higher power to produce the same conviction afterwards. The American people are now in tears. The Shenandoah has run blood — the best blood of the North. All around Richmond, the blood of New England and of the North has been shed — of your sons, your brothers and your fathers. We all feel, in the existence of this Rebellion, that judgments terrible, wide-spread, far-reaching, overwhelming, are abroad in the land; and we feel, in view of these judgments, just now, a disposition to learn righteousness. This is the hour. Our streets are in mourning, tears are falling at every fireside, and under

the chastisement of this Rebellion we have almost come up to the point of conceding this great, this all-important right of suffrage. I fear that if we fail to do it now, if abolitionists fail to press it now, we may not see, for centuries to come, the same disposition that exists at this moment. (Applause.) Hence, I say, now is the time to press this right.

It may be asked, "Why do you want it? Some men have got along very well without it. Women have not this right." Shall we justify one wrong by another? That is a sufficient answer. Shall we at this moment justify the deprivation of the negro of the right to vote, because some one else is deprived of that privilege? I hold that women, as well as men, have the right to vote (applause), and my heart and my voice go with the movement to extend suffrage to woman; but that question rests upon another basis than that on which our right rests. We may be asked, I say, why we want it. I will tell you why we want it. We want it because it is our *right*, first of all. (Applause.) No class of men can, without insulting their own nature, be content with any deprivation of their rights. We want it, again, as a means for educating our race. Men are so constituted that they derive their conviction of their own possibilities largely from the estimate formed of them by others. If nothing is expected of a people, that people will find it difficult to contradict that expectation. By depriving us of suffrage, you affirm our incapacity to form an intelligent judgment respecting public men and public measures; you declare before the world that we are unfit to exercise the elective franchise, and by this means lead us to undervalue ourselves, to put a low estimate upon ourselves, and to feel that we have no possibilities like other men. Again, I want the elective franchise, for one, as a colored man, because ours is a peculiar government, based upon a peculiar idea, and that idea is universal suffrage. If I were in a monarchical government, or an autocratic or aristocratic government, where the few bore rule and the many were subject, there would be no special stigma resting upon me, because I did not exercise the elective franchise. It would do me no great violence. Mingling with the mass, I should partake of the strength of the mass; I should be supported by the mass, and I should have the same incentives to endeavor with the mass of my fellow-men; it would be no particular burden, no particular deprivation; but here, where universal suffrage is the rule, where that is the fundamental idea of the Government, to rule us out is to make us an exception, to brand us with the stigma of inferiority, and to invite to our heads the missiles of those about us; therefore, I want the franchise for the black man.

There are, however, other reasons, not derived from any consideration merely of our rights, but arising out of the condition of the South, and of the country — considerations which have already been referred to by Mr. Phillips — considerations which must arrest the attention of statesmen. I believe that when the tall heads of this Rebellion shall have been swept down, as they will be swept down, when the Davises and Toombses and Stephenses, and others who are leading in this Rebellion shall have been blotted out, there will be this rank undergrowth of treason, to which reference has been made, growing up there, and interfering with, and thwarting the quiet operation of the Federal Government in those States. You will see those traitors handing down, from sire to son, the same malignant spirit which they have manifested, and which they are now exhibiting, with malicious hearts, broad blades, and bloody hands in the field, against our sons and brothers. That spirit will still remain; and whoever sees the Federal Government extended over those Southern States will see that Government in a strange land, and not only in a strange land, but in an enemy's land. A post-master of the United States in the South will find himself surrounded by a hostile spirit; a collector in a Southern port will find himself surrounded by a hostile spirit; a United States marshal or United States judge will be surrounded there by a hostile element. That enmity will not die out in a year, will not die out in an age. The Federal Government will be looked upon in those States precisely as the Governments of Austria and France are looked upon in Italy at the present moment. They will endeavor to circumvent, they will endeavor to destroy, the peaceful operation of this Government. Now, where will you find the strength to counterbalance this spirit, if you do not find it in the negroes of the South? They are your friends, and have always been your friends. They were your friends even when the Government did not regard them as such. They comprehended the genius of this war before you did. It is a significant fact, it is a marvellous fact, it seems almost to imply a direct interposition of Providence, that this war, which began in the interest of slavery on both sides, bids fair to end in the interest of liberty on both sides. (Applause.) It was begun, I say, in the interest of slavery on both sides. The South was fighting to take slavery out of the Union, and the North fighting to keep it in the Union; the South fighting to get it beyond the limits of the United-States Constitution, and the North fighting to retain it within those limits; the South fighting for new guarantees, and the North fighting for the old guarantees; — both despising the negro, both insulting the negro. Yet, the negro, apparently endowed with wisdom from on high, saw more clearly the end from the beginning than we did. When Seward said the status of no man in the country would be changed by the war, the negro did not believe him. (Applause.) When our generals sent their underlings in shoulder-straps to hunt the flying negro back from our lines into the jaws

of slavery, from which he had escaped, the negroes thought that a mistake had been made, and that the intentions of the Government had not been rightly understood by our officers in shoulder-straps, and they continued to come into our lines, threading their way through bogs and fens, over briers and thorns, fording streams, swimming rivers, bringing us tidings as to the safe path to march, and pointing out the dangers that threatened us. They are our only friends in the South, and we should be true to them in this their trial hour, and see to it that they have the elective franchise.

I know that we are inferior to you in some things — virtually inferior. We walk about among you like dwarfs among giants. Our heads are scarcely seen above the great sea of humanity. The Germans are superior to us; the Irish are superior to us; the Yankees are superior to us (laughter); they can do what we cannot, that is, what we have not hitherto been allowed to do. But while I make this admission, I utterly deny that we are originally, or naturally, or practically, or in any way, or in any important sense, inferior to anybody on this globe. (Loud applause.) This charge of inferiority is an old dodge. It has been made available for oppression on many occasions. It is only about six centuries since the blue-eyed and fair-haired Anglo-Saxons were considered inferior by the haughty Normans, who once trampled upon them. If you read the history of the Norman Conquest, you will find that this proud Anglo-Saxon was once looked upon as of coarser clay than his Norman master, and might be found in the highways and byways of old England laboring with a brass collar on his neck, and the name of his master marked upon it. *You* were down then! (Laughter and applause.) You are up now. I am glad you are up, and I want you to be glad to help us up also. (Applause.)

The story of our inferiority is an old dodge, as I have said; for wherever men oppress their fellows, wherever they enslave them, they will endeavor to find the needed apology for such enslavement and oppression in the character of the people oppressed and enslaved. When we wanted, a few years ago, a slice of Mexico, it was hinted that the Mexicans were an inferior race, that the old Castilian blood had become so weak that it would scarcely run down hill, and that Mexico needed the long, strong and beneficent arm of the Anglo-Saxon care extended over it. We said that it was necessary to its salvation, and a part of the "manifest destiny" of this Republic, to extend our arm over that dilapidated government. So, too, when Russia wanted to take possession of a part of the Ottoman Empire, the Turks were "an inferior race." So, too, when England wants to set the heel of her power more firmly in the quivering heart of old Ireland, the Celts are an "inferior race." So, too, the negro, when he is to be robbed of any right which is justly his, is an "inferior man." It is said that we are ignorant; I admit it. But if we know enough to be hung, we know enough to vote. If the negro knows enough to pay taxes to support the government, he knows enough to vote; taxation and representation should go together. If he knows enough to shoulder a musket and fight for the flag, fight for the government, he knows enough to vote. If he knows as much when he is sober as an Irishman knows when drunk, he knows enough to vote, on good American principles. (Laughter and applause.)

But I was saying that you needed a counterpoise in the persons of the slaves to the enmity that would exist at the South after the Rebellion is put down. I hold that the American people are bound, not only in self-defence, to extend this right to the freedmen of the South, but they are bound by their love of country, and by all their regard for the future safety of those Southern States, to do this — to do it as a measure essential to the preservation of peace there. But I will not dwell upon this. I put it to the American sense of honor. The honor of a nation is an important thing. It is said in the Scriptures, "What doth it profit a man if he gain the whole world, and lose his own soul?" It may be said, also, What doth it profit a nation if it gain the whole world, but lose its honor? I hold that the American government has taken upon itself a solemn obligation of honor, to see that this war — let it be long or let it be short, let it cost much or let it cost little — that this war shall not cease until every freedman at the South has the right to vote. (Applause.) It has bound itself to it. What have you asked the black men of the South, the black men of the whole country, to do? Why, you have asked them to incur the deadly enmity of their masters, in order to befriend you and to befriend this Government. You have asked us to call down, not only upon ourselves, but upon our children's children, the deadly hate of the entire Southern people. You have called upon us to turn our backs upon our masters, to abandon their cause and espouse yours; to turn against the South and in favor of the North; to shoot down the Confederacy and uphold the flag — the American flag. You have called upon us to expose ourselves to all the subtle machinations of their malignity for all time. And now, what do you propose to do when you come to make peace? To reward your enemies, and trample in the dust your friends? Do you intend to sacrifice the very men who have come to the rescue of your banner in the South, and incurred the lasting displeasure of their masters thereby? Do you intend to sacrifice them and reward your enemies? Do you mean to give your enemies the right to vote, and take it away from your friends? Is that wise policy? Is that honorable? Could American honor withstand such a blow? I do not believe you will do it. I think you will see to it that we have the right to vote. There

is something too mean in looking upon the negro, when you are in trouble, as a citizen, and when you are free from trouble, as an alien. When this nation was in trouble, in its early struggles, it looked upon the negro as a citizen. In 1776 he was a citizen. At the time of the formation of the Constitution the negro had the right to vote in eleven States out of the old thirteen. In your trouble you have made us citizens. In 1812 Gen. Jackson addressed us as citizens — "fellow-citizens." He wanted us to fight. We were citizens then! And now, when you come to frame a conscription bill, the negro is a citizen again. He has been a citizen just three times in the history of this government, and it has always been in time of trouble. In time of trouble we are citizens. Shall we be citizens in war, and aliens in peace? Would that be just?

I ask my friends who are apologizing for not insisting upon this right, where can the black man look, in this country, for the assertion of this right, if he may not look to the Massachusetts Anti-Slavery Society? Where under the whole heavens can he look for sympathy, in asserting this right, if he may not look to this platform? Have you lifted us up to a certain height to see that we are men, and then are any disposed to leave us there, without seeing that we are put in possession of all our rights? We look naturally to this platform for the assertion of all our rights, and for this one especially. I understand the anti-slavery societies of this country to be based on two principles,— first, the freedom of the blacks of this country; and, second, the elevation of them. Let me not be misunderstood here. I am not asking for sympathy at the hands of abolitionists, sympathy at the hands of any. I think the American people are disposed often to be generous rather than just. I look over this country at the present time, and I see Educational Societies, Sanitary Commissions, Freedmen's Associations, and the like,—all very good: but in regard to the colored people there is always more that is benevolent, I perceive, than just, manifested towards us. What I ask for the negro is not benevolence, not pity, not sympathy, but simply *justice*. (Applause.) The American people have always been anxious to know what they shall do with us. Gen. Banks was distressed with solicitude as to what he should do with the negro. Everybody has asked the question, and they learned to ask it early of the abolitionists, "What shall we do with the negro?" I have had but one answer from the beginning. Do nothing with us! Your doing with us has already played the mischief with us. Do nothing with us! If the apples will not remain on the tree of their own strength, if they are worm-eaten at the core, if they are early ripe and disposed to fall, let them fall! I am not for tying or fastening them on the tree in any way, except by nature's plan, and if they will not stay there, let them fall. And if the negro cannot stand on his own legs, let him fall also. All I ask is, give him a chance to stand on his own legs! Let him alone! If you see him on his way to school, let him alone, — don't disturb him! If you see him going to the dinner-table at a hotel, let him go! If you see him going to the ballot-box, let him alone, — don't disturb him! (Applause.) If you see him going into a work-shop, just let him alone, — your interference is doing him a positive injury. Gen. Banks's "preparation" is of a piece with this attempt to prop up the negro. Let him fall if he cannot stand alone! If the negro cannot live by the line of eternal justice, so beautifully pictured to you in the illustration used by Mr. Phillips, the fault will not be yours, it will be his who made the negro, and established that line for his government. (Applause.) Let him live or die by that. If you will only untie his hands, and give him a chance, I think he will live. He will work as readily for himself as the white man. A great many delusions have been swept away by this war. One was, that the negro would not work; he has proved his ability to work. Another was, that the negro would not fight; that he possessed only the most sheepish attributes of humanity; was a perfect lamb, or an "Uncle Tom;" disposed to take off his coat whenever required, fold his hands, and be whipped by anybody who wanted to whip him. But the war has proved that there is a great deal of human nature in the negro, and that "he will fight," as Mr. Quincy, our President, said, in earlier days than these, "when there is a reasonable probability of his whipping anybody." (Laughter and applause.)

SUFFRAGE FOR THE BLACKS SOUND POLITICAL ECONOMY:

SHOWN IN A LETTER TO THE "BOSTON DAILY ADVERTISER,"

BY ELIZUR WRIGHT.

On the heels of victory comes a question which no tax-payer can afford to neglect a moment. If the public mind is not made up on it by the time victory is fully ours, we might almost as well be defeated — that is, considering ourselves merely as property-holders and tax-payers. The question is that of reconstruction.

Opinions may differ, according to the degree of information, as to facts; but I think all will agree that there is little use and much waste of power in working a State government *by Federal machinery.*

Till the *enfranchised* population of a rebel State is so far reclaimed from the secession heresy that a *majority* of it can be relied on to protect itself and maintain its authority as an organized loyal State government, such organization is worse than superfluous, for the national power must be present in force, and to make that force efficient must be supreme. As to the white population of the rebel states, nothing is more certain than that it will take a long period of military subjugation, after the overthrow of the rebel armies, to educate out of it its rebel propensities, so that a majority of it can be relied on for loyal State government. It is certainly true that powerful interests are on the right side, and the thing would come about in time. But in the meantime two things inevitably go on: —

1st. The public debt accumulates, for a military occupation never pays as it goes.

2d. The blacks are largely trained to arms, for they are the cheapest and best troops we can have under the circumstances.

Hence, when we arrive at the period when loyal State governments — *that will go alone* — can be set up, the blacks must be enfranchised or they will be ready and willing to fight for a government of their own; and here is more war, and more public debt, and more taxation.

Observe how we have put one foot in by enlisting colored troops. Perhaps we couldn't help it. We certainly cannot withdraw it. Now we are putting in the other, by passing the amendment to the Constitution.

The effect of this, when passed, is to take away about 1-27th of the power of the loyal States in the lower house of Congress, and give it to the reconstructed rebel States, provided all are restored. This comes of counting into the representative population two-fifths of certain persons who were before counted out. To be more exact, suppose the amendment passed, all the rebel States restored, and the 241 members of the House of Representatives to be apportioned among the several States by the rule adopted for the 38th Congress, members would be gained and lost as follows:—

Gain.		Loss.	
Alabama 1	Member.	Illinois 1	Member.
Georgia 1	"	Indiana 1	"
Louisiana 1	"	Iowa 1	"
Mississippi ...1	"	Minnesota.... 1	"
N. Carolina ..1	"	New York....1	"
S. Carolina ...1	"	Ohio 1	"
Tennessee 1	"	Rhode Island .1	"
Texas.....]	"	Pennsylvania 2	"
Virginia.....1	"		
Total 9		Total	"

If the franchise in the reclaimed States is to be restricted to the white population, this giving them the advantage of eighteen votes when readmitted, puts off the day when such a thing can be safely done. If done too promptly, before secession theories and confederate bonds shall have gone back into nothingness, we may find that by the very act of amending the Constitution we have brought ourselves to the unpleasant dilemma of having either to pay the rebel debt or borrow the

rebel theory and secede from the very Union we have restored by conquering the rebels.

There is only one way to avoid this and make our victory immediately fruitful. In two States a decided majority of the population is black, and, by necessity, loyal. In five others, the black element is more than one-third; and it is strong enough to make an effective balance of power in every State where the rebellious element is of any serious magnitude. Again, the particular chivalry which got up and engineered the Rebellion has such a horror of sharing political power with its former chattels, that when the enfranchisement of the blacks is determined on as the *sine qua non* of reconstruction, and its own military power is overthrown, it will emigrate to a more congenial political atmosphere. We have then nothing to do but convert whites enough to make a majority, when added to the enfranchised blacks, to have State governments that can be trusted to stand alone.

I think I could easily convince any man, who does not allow his prejudices to stand in the way of his interests, that it will probably make a difference of at least $1,000,000,000 in the development of the national debt, whether we reconstruct on the basis of loyal white and black votes, or on white votes exclusively, and that he can better afford to give the Government at least one-quarter of his estate than have it try the latter experiment.

I am not disputing about tastes. A negro's ballot may be more vulgar than his bullet. Being already in for it, the question with me is, how the one or the other can be made to protect my property from taxation; and I am sure I would rather give away half the little I have, than to have the victories of 1865 thrown away, as I am sure they will be, if, endeavoring to keep the South in subjugation by black armies, the Government allows four millions of black population to continue disfranchised.

RECONSTRUCTION:

A LETTER FROM WILLIAM HEIGHTON TO GEORGE L. STEARNS.

ELMER, SALEM CO., N. J.
Feb. 27, 1865.

GEORGE L. STEARNS, ESQ., *Boston, Mass.*

SIR, — I lately received from you two communications, in which you advance certain propositions, and ask my influence and support for them.

1st. To organize the anti-slavery men of the country.

2d. To bring their combined influence to bear effectively upon the reconstruction of the social and political institutions of the Rebel States, and to remodel our financial system, in order to correct abuses growing out of slavery.

3d. To aid in procuring for Gov. Andrew, of Massachusetts, a seat in the Cabinet at Washington, as an able and faithful exponent of anti-slavery principles and measures.

I reply — I am not acquainted with the peculiar abuses of our "financial system" growing out of slavery, nor aware that some other champion of freedom might not be as proper a candidate for a seat in the Cabinet as Gov. Andrew, though I think he would shed lustre upon that position; but if I can be of any service in an organization whose object is, after the Rebellion explodes, to reconstruct the Rebel States, and re-unite them upon the basis of liberty and equal rights, you can put my name down upon your anti-slavery record.

That you may not mistake me, I will state a few fundamental propositions which I hold indispensable to that end.

1st. THE UNITY AND ESSENTIAL EQUALITY OF THE HUMAN RACE. God is "OUR FATHER." All men are brothers, and the distinction between a man and a beast is infinite.

2d. EQUALITY OF RIGHTS. All human beings have an *equal* right — 1st, to life and liberty; 2d, the development and culture of body, mind, and moral nature. The *Government* should secure these to the State, because its health, wealth, prosperity and highest happiness depend upon the fullest possession and enjoyment of them. 3d, the right to *property* in the common elements of nature, — light, air, water, and the land. The right to these elements is inalienable, because they constitute the elements of the human body, which could not for a moment exist without them, and because God created them for the maintenance, in every age, of all the living. They are a common gift, which no man has a right to monopolize, and which the governing Power is bound to secure to each citizen who needs them, or who desires them.

3d. RESPONSIBILITY OF GOVERNMENT. Government is responsible for the equal protection and faithful promotion of the highest well-being of each individual within its domain.

4th. MONOPOLIES. The State is bound by legislative obligations only so far as these were necessary to its life and well-being. No existing generation can, by its legislation, bind the next generation to measures deemed hostile to the public life, health and happiness.

5th. THE FRANCHISE. On this subject I offer an illustrative statement before I give the principle.

In New Jersey the ballot-box is, in effect, sometimes set up openly for sale to the highest bidder, and so many *bought* votes taken at the polls that the unbought ones are deemed of little value to the candidates. I have heard voters declare, here in Salem County, that the only benefit they could see in the franchise to the poor man, is the money he gets for his vote. To be sure, these were foreigners. I never heard a native say this, though many sell their votes. The abuse is so great that some respectable voters excuse themselves from voting as being useless. But ask those gentlemen with the bribe money in their pockets what objection they have to a negro vote, and nearly every man will roll up his eyes and lift his hands in holy horror, as if you were covered all over with leprosy, or had just committed the unpardonable sin. Now I am not addressing these men. To reason with them would be ridiculous. But every anti-slavery man and political reformer will at once comprehend the justice and humanity of the following proposition.

PURITY AND UNIVERSALITY OF THE BALLOT BOX.

"FIRST pure." (Bible.) A corrupt use of the ballot-box is not Democracy, but an aristocracy (money rule) of the most odious kind. The purity therefore of the franchise should be guarded by the severest penalties. Heavy fines, to go to informer on conviction of the offender, with imprisonment at hard labor, and partial loss of franchise for the first offence, and total loss for the second, would probably accomplish that end.

Purify, then, the election, — withdraw all sinister motives to a corrupt vote. Make the vote the simple expression of the uncorrupted sense and will of the voter, and open the franchise to every adult and human being. Mind rules the universe. Give it an open field and fair play, and let the national will, protected from sinister motives, and guided by the national intelligence, create and maintain the national institutions.

The third clause of my second proposition — "the right to *property* in the common elements" — is so important that I beg, in conclusion, to make a few remarks upon it.

You will find the security of this right indispensable to the reconstruction of our southern communities. Immense landed estates in a few hands (baronies) the world over, are death to Democracy. If three or four men own a whole country, they will be its governors. Its road system, school system, court, judges, officers, municipality and franchise, will all be controlled by them. They can and will, even under republican forms, secure their own election to the highest seats in the state and national counsels, and become there, as in former years, an element of jarring and perpetual discord.

The landed estates, therefore, of all the prominent and active rebels, the great chiefs, should be confiscated and broken up. After these criminals are executed or transported, it might be safe to confer upon such heirs as remained in the country, and should take the oath of allegiance, so much land as would constitute a moderate homestead, while an equal homestead should be apportioned to each colored family. These, in fact, have the first and highest right, since the clearing and improvements have been done mainly by their labor. The soldiers, also, should receive bounties from it, and any left could be sold in limited quantities to loyal men.

In a conference held by Secretary Stanton and General Sherman with the colored people of Savannah, soon after that city was taken, the chosen spokesman of the negroes was Garrison Frazier. On being asked, "How can your people take care of themselves?" he replied: "The way we can best take care of ourselves is to have land, and turn and till it by our own labor." All this man's replies to the Secretary and General were marked by uncommon shrewdness and good sense, but this excelled. How has he a country who has got no home? Who habitually sells himself to somebody for a day or week to get bread for his family?

If, then, you wish to uproot slavery, break up land monopoly. Twin strands of one rope, slavery in some form will ever feed its insatiate maw upon stolen industry, so long as land monopoly shall be allowed to exist. The new freedom of the south, under the old land monopoly will be worse to the feeble and decrepit than their former slavery. Stung with poverty and desolation caused by the rebellion, the barbarous land-barons, with blind rage and malignant hate will vent their spleen on the innocent and helpless freedman, and, charging him with being the cause of their ruin, with an oppression unknown to former times of successful slavery, will grind him to powder. God help the poor ignorant negroes, who without any home, or legal claim to the elements of life, shall be compelled, day by day, to offer his labor to such masters in order to get bread for his wife and children! No, the government that shall permit land monopoly to wield its blighting curse over four millions of ignorant and helpless blacks will be false to its highest obligations, and an absolute despotism to the black race, to be again engulfed, at some future period, in its own blood.

If you anti-slavery gentlemen who are forming an organization to reconstruct the rebel states, should be wanting in intelligence to comprehend the magnitude of this great land question, let me admonish you that you are not qualified for the duty you have undertaken. I make this remark because the idea is not embraced in your printed communications.

In this letter I send you my political daguerreotype, —Democratic and Republican in every feature. If you conclude it will not disgrace your anti-slavery gallery, you will hang it up there among the rest.

CONGRESS HAS ADJOURNED!

And for Nine Months the nation must consider the problems of

A RE-CONSTRUCTION OF STATES,

SUFFRAGE FOR LOYAL BLACKS,

THE TERMS OF PEACE,

AND OTHER PRESSING QUESTIONS.

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CHARLES W. SLACK, Publisher, 8 Bromfield St., Boston, Mass.

BOSTON, March 30, 1865.

DEAR SIR, — I send with this a pamphlet containing the speeches of Hon. WILLIAM D. KELLEY, WENDELL PHILLIPS, and FREDERICK DOUGLASS, also articles from the of ELIZUR WRIGHT and WILLIAM HEIGHTON, on the necessity of making all men before the law; and ask your careful perusal of it.

Mr. Kelley shows us, that, in the early years of our Government, the free negr allowed a vote in nearly all the States, including most of the Slave States. Mr. Phillips M Douglass call attention to the necessity and justice of this measure; and Mr. Wright and Mr. Heighton, to the political and economical considerations that should induce us to grant it.

I am distributing 10,000 copies to antislavery men in all the Free States; but, desiring to increase the number to 100,000 or more, invite you to aid its circulation, on the following plan: —

If you will send me what money you can spare for this object, I will forward you, free of postage, such number as you may send for at the rate of twenty copies for every dollar, or one hundred copies for every four dollars, sent me; which is less than the cost of publication. Or if you will send me names, with post-office address, I will send them direct in your name. If you send me money without specific directions, I will distribute them according to my best ability, and advise you of the distribution when made.

Truly your friend,

GEO. L. STEARNS.